

KENYA: MULTIPARTY POLITICS AND THE PROSPECTS FOR PEACE AND STABILITY IN THE NEO-LIBERAL AGE.



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To my parents

And

All my former University of Nairobi students especially, Ochanda Ogolla, the late Okoth Kobonyo and Wanambisi Simiyu, and many others whose names space will not allow me to mention here, for the courage they showed in the face of police brutality after our arrest and confinement at Nyayo house and Homa-Bay police station. Together, we stood up and challenged brutal repression, an action for which many Kenyans paid with their lives in Moi's Kenya. It is a debt we all owed to humanity.

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Peace and Conflict Studies revolves around how to understand international conflicts with a view to saying something on how their remedies can be designed. With the mainstream theories of these conflicts founded as they are on the behaviourist tradition in the social sciences, the methodology of the natural sciences remains the cherished ideal. But unlike the object of study in the natural scientist's laboratory, human beings as objects of study in social inquiry talk.

Coming as I do from Africa, a continent whose states and human population remain the focal subject matter of the peace builder's 'scientific inquiry', I can only hasten to state that I enjoyed my dual role as a student of peace and conflict studies and as a reified object of study in the social scientist's laboratory. It was a unique experience, may humanity realise our collective desire of living in a peaceful world.

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CHAPTER ONE

General Introduction

This thesis analyses the reintroduction of political competition and market liberalization or multiparty democracy and what implications this has for Kenya's long term domestic peace and political stability. Will multiparty politics create a basis for a stable basis on which the institutions of liberal democracy can flourish as a foundation for economic growth within the framework of the current neo-liberal international agenda? I argue that no evidence indicates that multiparty political competition and market liberalization which informs the post cold war 'third wave democracy' project can tackle problems such as economic stagnation, social inequality, poverty and rising unemployment which threaten Kenya's long term political stability. A sub-theme which runs throughout the thesis is a critique of the behavioral foundation of the mainstream theories of democratic transition which treat the controversy over what democracy constitutes thereby foreclosing the search for alternative models in understanding developments in non industrialized states like Kenya.

The early part of the 1990's saw many African states move from authoritarian one- party regimes of various kinds to embrace multiparty politics. This development which came in the wake of the demise of the Soviet Union and its satellite states in Eastern Europe, was interpreted by many observers as part and parcel of a wider global liberal democratic wave that was sweeping the world, and which soon came to be known as the "third wave of democracy" after the usage of that term by Samuel Huntington (Huntington 1991). The period saw the emergence of a new ideology which criticized the former developmental state of the post-colonial African era for excessive economic intervention and advocated a reduction in their role as a way of embracing free market and private enterprise

based on neo-liberal economic prescriptions. A combination of multiparty liberal democracy and markets subsequently became central features of a comprehensive strategic vision of post cold war developmental success for many African states.

Other analysts also read in these developments the beginning of an epoch that was destined to culminate in an irresistible movement away from authoritarianism to democratic ideals across the globe (Fukuyama 1989). The period, according to these observers represented the triumph of liberal democratic ideals and hence the attendant assumption that the political changes that took place in ‘developing’ countries like Kenya marked the initial stages in a ‘transition to liberal democracy’. The state centered developmental approach which was a common feature of many third world countries in the 1960s and 1970s became an anachronism to be substituted by a less regulatory state whose role was limited to providing an efficient framework for the efficient functioning of the market.

Gordon White and Mark Robinson summarize the above development in their statement that “in this triumphalist political atmosphere of the years immediately after the defeat of communism, this vision of the relationship between politics and economics became a model of development correctness presented in overly optimistic ideological terms and rooted in largely unexamined stereotypes of both ‘markets’ and ‘democracy’” (Robinson & White 1998:18). The optimism bore semblance to the faith that dominated scholarship in the 1950’s and the early part of the 1960’s of growing democratization and equality. Following this emerging consensus, the post cold war world order subsequently rose above the earlier objections raised against ‘transition to liberal democracy’ paradigm embodied in the attack on the central assumptions of the modernization theory towards the end of the 1960’s.

Powerful forces, both international and domestic, thus combined to create the drive for competitive electoral party politics on the African continent. At the

outset, the current wave of multiparty politics was marked by relative optimism about the economic prospects of the new post cold war Africa regimes. But as many observers would readily admit today, the promised economic improvements and political stability have at best been slow or at worst non-existent in some African states. The initial fanfare about change and progress is slowly giving way to pessimism about the impact of democratization on the ills that have historically plagued Africa's economic and political development.

This thesis analyses the implications of multiparty politics for Kenya's political and economic stability. Will the introduction of competitive political competition expressed largely in procedural and electoral terms lead to peace and economic stability in the context of the post cold war neo-liberal world order? I argue that contrary to the conventional wisdom of the day and the robust faith that followed in the wake of the introduction of multiparty politics, the Kenyan state is not destined to a liberal democratic transition as frequently pronounced by the exponents of the 'third wave democracy' paradigm. This study contends that market liberalization which represents the changing demands of international capital; far from aiding the process represent an impediment to Kenya's democratic initiatives. Procedural democracy, I argue, is ill equipped to address fundamental socio-economic issues that lie at the root of Kenya's current predicament. The thesis argues that electoral democracy is unlikely to lead to substantive changes needed to transform the Kenyan polity, and that might lead to contradictions where the state leans back on authoritarian methods as the most viable means of trying to contain rather than resolve the attendant conflicts.

The analysis encompasses the period from 1992 when the first multiparty elections were held in Kenya to the present day (2005). I analyze the impact of the three multiparty elections (held in 1992, 1997 and 2002) on Kenya's long term political and economic stability. The arguments advanced in this thesis revolve around the

following concerns which I consider pertinent to the current debate on the direction of Kenya's democratic development:

- The meaning and character of the liberal democratic ideal held as relevant to the Kenyan context and many other states considered today as being in 'transition'.
- Whether liberal democracy will provide a secure basis for preventing and managing conflict or will it worsen poverty and inequality thereby aggravating the prospects for conflict in Kenya?
- Can multiparty politics provide the basis for effecting the necessary socio-economic transformation of Kenya's underlying economic structure within the framework of post –cold war neo-liberal world order?
- Whether formal or procedural elite democracy in the absence of socio-economic transformation will generate stable and predictable political institutions

1.1 On Theoretical Framework and Methodology

The embodiment of the debate on democracy and development after the 1950's in "scientifism" following the behavioral revolution in American social sciences has largely continued today under the cloak of empiricism, stifling the debate on democracy and democratization within the bounds of its own definition. The requirements of a positivist oriented study of society to provide scientific credentials for its knowledge claims meant that social inquiry had to emulate the natural sciences in its methodology, procedures and the underlying rationale of constructing universal laws for social engineering. This goal which dates back to the enlightenment as represented by the aspirations of Augustine Comte to develop a rational 'scientific' social inquiry became a driving force in the post

War behavioral foundation of the social sciences. But as I will highlight here, the methodology implicitly treated certain historical political orders as “given and natural” thereby raising questions about the ideological content of its supposedly “neutral concepts”

Having embraced behaviorism, democracy like other central concepts in social science required a yardstick against which its ‘scientific’ inquiry could be pivoted. That pivot subsequently became the institutions of liberal democracy based on the Western European historical experience. In the search for ‘measurable variables’ the focus shifted from the historical context to a timeless essence supposedly aimed at the study of ‘behavior’ and ‘hard observable facts’. But as Eric Wolf asserts “such schemes provide self fulfilling answers, since the phenomenon other than those covered by the model are ruled out of the court of specialized academic discourse” (Wolf 1982:10).

The above theme is reflected in Colin Leys’ argument that the central concepts employed by conventional development theory are “largely sterile as tools for understanding what is happening in the third world” (Leys 1975: x)

In the methodological rigor that ensued, democracy simply became a methodological question with its normative underpinnings regarded as settled, identified as it were with the political structures the major industrialized states of Western Europe and North America. The political structures of these states and their historical evolution became the ideal against which the inadequacy of the political structures of other states would later be measured. This trend continues today in a largely positivist oriented research that still informs much of the analyses by the proponents of liberal democratic development in countries like Kenya. My theoretical analysis is partially aimed at overcoming the ideological (because it emerged within a particular historical context to legitimize a particular social order) constraints put on the research on democracy in equating it to

western liberalism and the attendant assumption, often unstated, that democracy means 'liberal democracy'.

Equating democracy to the political structures of Western industrialized states and conducting empirical research on that basis found a fertile ground in behaviorist social science founded on the robust faith in science and material progress through technology which marked the period immediately after the Second World War. This process was aided by the emergence of a dominant set of assumptions in post-war Western societies. These assumptions reflected growing convergence on what sort of society was desirable and hence the goal, focus and purpose of social science. Borrowing largely from the established methodologies of the natural sciences, the objective of the social sciences was thus underlined as one of generating a stable body of objective knowledge upon which social engineering could be premised.

In the absence of major disagreements about the general direction of the society in the 1950's, social scientists worked within a relatively uncontroversial framework with well defined social goals and objectives. The role of the social scientist and the attraction to the methodology of the natural sciences in the study of society remained largely unexamined during this period marked by consensus and anchored on the behavioral revolution. What this implied for social science was- and still remains-the growth of empirical research with a relatively low level of theoretical sophistication and a rather clear set of policy applications. To the extent that there was disagreement or disputes among social scientists, it revolved around how the problems were resolved rather than their theoretical underpinnings. Normative issues of value appeared to be less important as there were no divergence in opinion among social scientists until the 1960's. This postwar development contributed to what P.W. Preston in his analysis of the post-

war discourse on development has called development theory's 'positivist orthodoxy' (Preston. 1982)

1.2 Empirical Research and Liberal Democracy as 'Democracy'

An interesting paradox about the current research on democracy is that the institutions of liberal democracy (free elections, civil liberties, property rights etc) historically developed in opposition to popular democracy as it was understood from the antiquities. I do not intend to present a detailed account of how democracy became synonymous with liberal democracy, but it might be important to briefly refer to its history as its development is pretty relevant to the current on democracy and democratic transition.

A brief look at history reveals the hostility with which the established elite responded to democracy as it evolved in Athens. This is captured by C.B. McPherson in his observation that "democracy used to be a bad word, everybody who was anybody knew that, democracy, in its original sense of the rule by the people or governance in accordance with the will of the bulk of the people, would be a bad thing – fatal to individual freedom and to all graces of civilised living. That was the position taken by pretty nearly all men of intelligence from the earliest historical times down to about one hundred years ago, then within fifty years, democracy became a good thing" (McPherson 1966 p 1). Anthony Arblaster (Arblaster 1987) contends that contrary to popular belief, democracy was not 'discovered' by the Greeks but developed to characterise a reality that was emerging in Athens. That reality was the idea of the citizenry taking direct control of the affairs of the city state. Democracy in its original formulation challenged the existing social order and here lies the disdain with which it was held by the Greek elite from Plato through Aristotle to many other leading Greeks like the historian Thucydides.

Liberal representative democracy which much of the current discourse identifies with democracy developed in the 18th century after a revision that stripped the concept of its participatory nature. The idea of ‘representation’ until then unknown to democratic thinking thus became part and parcel of the political and academic discourse on democracy. E.M. Wood comments that this revision “meant that something hitherto perceived as the *antithesis* of democratic self-government was now not only compatible with but constitutive of democracy: not the exercise of political power but its *relinquishment* to others, its *alienation* (Wood 1995 p 216).

What thus made this revision necessary in the context of the antagonism which was generated by the evolution of democracy in its original version? Arblaster perhaps has an answer to this question; he contends that the main rationale for this revision of democracy was “to render it compatible with the existing political systems of the Western world which call themselves democracies’. Given this revised definition; it becomes natural to talk about preserving and defending democracy rather than achieving it, for it of course already exists in such fortunate countries as Britain and the United States (Arblaster 1987 p 55). This view finds support in the observation made by Thomas Carothers that economic aid and democracy promotion abroad in the post War period by both the United States and western Europe has had much to do with legitimizing the political system at home than the stated objectives (Carothers 2004)

In a similar vein Luckham, Goetz and Kaldor argue that liberal democracy developed out the efforts by the established classes to dilute what was felt to be the subversive capacity of democracy. As they point out, the institutions of liberal democracy “were shaped through the efforts of dominant groups to regulate popular participation. They wished to ensure that democracy did not interfere with emerging capitalist markets, and did this by making a sharp distinction between the public sphere

of politics and the private sphere of the economy and family life” (in Luckham & White 2001:15).

I have outlined the above historical revision of the theoretical content of the concept of democracy in order to highlight the implicit assumption advanced by the proponents of liberal democratic development that democracy is favourably equitable to liberal democracy or its liberal version that historically developed in Western Europe. To the extent that such consensus exists about the democratic character of such states, it must be pointed out that it owes its existence to arguments which considerably lie outside the domain of empirical research. Democracy thus remains a normative concept for which there exists no universal standard of evaluation, and that what is often presented as empirical methodological starting points in the debate on democracy are essentially normative questions that might never by methodological procedures however well defined and technical these may be.

This thesis’ starting point is that identifying democracy with the political structures of Western states can be misleading as it confuses the historical human struggle for equality (which is what democracy is and has been) with its specific historical form-western liberalism-which historically emerged in Western European industrialized states. I have chosen to fashion a theoretical analysis in this thesis in an attempt to underscore some aspects of the struggle for democracy in Kenya that escape the intellectual lenses of “third wave democracy” scholars in search of its liberal version in the Kenya’s political developments.

I will in my analysis rely on both primary and secondary material to further my arguments. These to a large extent include official policy documents, documents from international institutions like the World Bank, the International Monetary Fund and the general literature from the debate on Kenya’s post colonial

democratic development that became known as ‘the Kenya debate’. I have also relied on material from Kenya’s two leading newspapers, *The Daily Nation* and *The Standard*. I have adopted one analytical approach, perhaps to the exclusion of other equally viable theoretical approaches with all the limitations that this entails. I use the concept of ‘electoral transition’ to refer to the formal transfer of political power which leads to regime change following competitive elections while leaving fundamental economic and social relations intact. I have contrasted this to the concept of ‘democratic transformation’ which implies fundamental economic and social changes which stretch beyond mere electoral change. What sometimes is designated the term ‘substantive democracy’ as opposed to ‘procedural or formal democracy’.

While economic stratification exists in societies and is openly acknowledged as can readily be discerned from the usage of terms like the rich and the poor or the privileged and the less privileged (only to mention but a few), usage of the concept of ‘class’ often generates controversy. Class occupies a central place in the Marxist critique of capitalism, but as Tom Kemp states, “a strong reluctance exists, or is built up, in capitalist society to the ideas and conclusions which are comprised in the Marxist theory of imperialism, as in Marxism as a whole...However prone many of the epigones (of Marx and Lenin) may have been prone to dogma and oversimplification, the fact that their opponents had nothing better to offer than contrary dogmas and assumptions must not be overlooked” (Kemp 1967: 163). Social class is broadly used in this paper to highlight the economic inequalities alluded to above and includes the assumption that these disparities essentially entail antagonism arising from conflicting interests. In the next chapter, I present a brief prelude to the debate on democratic transition in Kenya prior to the introduction of multiparty politics.

CHAPTER TWO

Kenya's Political Stability: The Theoretical Debate and the Faith in Liberal Democratic Transition.

Kenya came under full fledged colonial rule in 1895 when the country became part of the British East Africa protectorate joining Uganda that had become a protectorate a year before. When Kenya gained independence from colonial rule in 1963, it did so under a Westminster style of government with Kenyatta as the prime minister. By 1970, however, the senate had been abolished, the prime minister had become an executive president, the opposition Kenya people's union had been banned and a one party state controlled by Kenya African National Union (KANU) established. The above developments put Kenya on a path that was becoming rather familiar in many parts of the decolonized world. The excitement of the liberals who had expressed robust faith in the sustainability of liberal democratic regimes in Africa, Asia and Latin America was quickly replaced by guarded optimism at best and sheer pessimism at worst.

The liberal constitution tailored on the British model was in line with developments in other parts of the continent where departing colonial powers- except in countries where independence was won through outright military struggle- were equipping the former colonies with political structures similar to that of their soon-to-be former colonial powers. In the context of the struggle for independence, lifting the restrictions placed on political participation by the besieged colonial powers became a noble cause for the independence movement as it allowed mass mobilization against colonial rule. Political competition also served to give legitimacy and international respectability in the context of the transition to independence. It was thus no surprising that with independence won,

the rationale for political competition diminished, replaced by the doctrine of the mass single party in the context of the cold war.

But the fast degeneration of the Kenyan state, like many other African states into single party dictatorships did not equally lead to a degeneration of the earlier faith in liberal democracy. The intellectual proponents of liberal democracy adjusted to the diminishing prospects of democratic governance in the belief that maximizing economic growth took precedence over liberal doctrines of political competition. Internationally, the logic of the cold-war dictated the need for reliable allies and few in the West seemed overly embarrassed by authoritarian dictatorships like what Kenyatta's KANU was fast degenerating into only few years after independence. On the African continent in general, the ideology of subordinating democratization to economic growth under one party dictatorship was gaining momentum as fast as the growth in the number of its practitioners and intellectual defenders.

In the reasoning of the time, most development economists remained sympathetic to the state-centered development strategy of the post-war period. With Independence won, the goal shifted to maximizing rapid economic development and putting an end to neocolonial control of the economy. This recipe was contained in the dominant theory that emerged in the wake of the decolonization process in Africa which readily accommodated the belief that economic development came first and that democratization would follow in its heels. The central arguments in this school of thought were spelt out in the thesis of the 'modernization' theory which held a paradigmatic sway over much of the discourse on 'third world' development during the first two post-war decades. Having divided the world into 'modern' and 'traditional', 'developed and' 'underdeveloped', the theory constructed an ideal against which the developments of states outside the core of world capitalism like Kenya could be interpreted.

Implicitly holding the political structure of the United States as that ideal, the assumptions of the modernization school fitted well with the post War American intervention strategy of creating a stable world order conducive to its domestic economic needs and forestalling the spread of communism.

Flag independence came to Kenya in 1964 at the height of the hegemonic discourse of the modernization theory as a paradigm for economic and political development. As many analysts have pointed out (Roxborough 1988, Leys 1996), the modernization discourse was Eurocentric in its assumptions that economic and social developments in African states would allow them after some time to “catch up” with the more advanced industrialized states. The theory saw as positive the transformation which the colonial edifice had set in motion by breaking down the traditional patterns of production thereby putting Kenya on the path of capitalist development. Its assumption was a continuation of Europe’s earlier civilizing mission interpreted during the post-war development discourse in terms of capital input and technological aid of various kinds. As Roxborough notes, “it provided the rationale for the presence of thousands of foreign Western nationals, living well at the expense of African governments and a variety of international bodies representing themselves as working in the name of progress” (Ibid. p.753).

On the overall Kenya registered positive economic growth in the first two decades after independence and the export oriented economic growth strategy adopted by the Kenyatta regime received positive evaluation. Many observers remained optimistic that this growth would eventually lead to liberal democratic development. The structure of Kenya’s economy-heavily reliant on agriculture-was left intact by the post-colonial regime. In the agricultural sector where the much talked about ‘indigenization’ (transfer of land to African ownership and management) had taken place, it did so without interfering with pattern of large scale landholdings which the departing colonial government feared would

undermine productivity. In the manufacturing sector, the government accepted the continued domination of the Kenyan Asians entrepreneurs whose technical competence was considered essential for maintaining efficiency and productivity during this early phase after decolonization (Himbara 1994)

2.1 Defining the Blue Print for Post Colonial Economic Development

Kenya's political and economic development was for the reasons highlighted above followed with keen interest in the first decades after Independence, for unlike neighboring Tanzania (where the ruling party (CCM) under Nyerere was talking "socialism"), and Uganda (where the UPC under Obote maintained a similar rhetoric), Kenya under the leadership of Kenyatta settled on a liberal economic growth as outlined in "*sessional paper no. 10*" of 1965 which spelt out Kenya's long term economic and political development. A paper which despite outlining a blueprint for export oriented capitalist growth was given a socialist label ("*sessional paper no.10 on African socialism*") to appeal to the post-colonial rhetorical stance of breaking with colonialism.

Liberation from colonial rule had been predicated on undoing both the economic and the political structure on which colonialism rested and within the context of the cold, it was an unstated article of faith that such a development would be incompatible with capitalist growth. It was therefore crucial to pay lip service to socialism as Kenyatta's government was demonstrating. Engineered by Tom Mboya who played a central role in the transition, the policy document "*African socialism and its application to planning in Kenya*" defined however an export oriented liberal economic growth that was aimed at domesticating the structure of the economy inherited from the departing colonial government.

As a political tool, it was aimed at undercutting the current of radical nationalism and marginalizing the radicals within the ruling party agitating for land redistribution and other economic reforms. Its essence in economic terms was summarized in the now much quoted attack leveled against Bildad Kaggia (a front figure in the independence struggle) in 1965 by Kenyatta at a political function in Kandara where he rebuked the former for not having acquired property like other leading figures of the independence struggle had. Incensed by Kaggia's persistent call for land reform, Kenyatta quipped, "we were together with Paul Ngei in jail. If you go to Ngei's home, ha has planted a lot of coffee and other crops. What have you done for yourself? If you go to Kubai's home, he has a big house and has a nice shamba. Kaggia, what have you done for yourself? We were together with Kungu Karumba in jail, now he is running his own buses. What have you done for yourself? (The times, 11 April 1966). This was the basis on which the land tenure system on which colonialism rested was inherited by the independence government amidst internal opposition.

In the countdown to establishing his authoritarian one party rule, Kenyatta maintained the exhausted refrain that his government was 'not a colonial government' to deserve agitation. It was a timely reminder to those who had hoped for a complete break from political oppression under the colonial experience that the new post colonial regime intended to retain central elements of the colonial state so as to exercise power and control. Export oriented economic growth in the context of the post-war international economic boom thus became the hallmark of Kenyatta's post-colonial regime. Democratization was however deferred to a later date as the government sought to contain its critics through the instruments of the strong state which the reasoning of the time held vital in the initial phase of national economic development.

Table 2.0: Kenya's pattern of trade: visible imports/exports in 1970, by value (K£, 000)

	Exports to	Imports from
Tanzania	14,752	5,938
Uganda	16,698	10,048
Rest of Africa	9,158	1,833
UK	14,847	41,459
W. Germany	6,817	11,197
Rest of W. Europe	13,303	24,501
E. Europe	1,952	3,476
USA	6,357	11,906
Canada	1,805	796
Middle East	2,272	14,292
India	2,735	3,104
Japan	1,225	15,196
Other	11,135	14,266
Total	10,3056	158,01

Source: Statistical abstract 1971.

Table 2.1: Kenya's economic prospects in a comparative perspective in the early years after independence

	Population 1969 (millions)	1969 GNP per capita (\$)	Average growth rates of real GDP 1960-1970 (%)	Aid recipients 1965-1970 (\$ millions)	Aid recipients per capita 1965-70 (\$)
Kenya	10.5	136	5.1	455.83	43
Uganda	8.3	118	6.7	184.67	22
Tanzania	12.9	96	4.3	269.53	21
Zaire	17.0	98	2.6	679.83	40
I. Coast Africa	4.2	300	7.9	330.02	78
(Average)	--	150	1.7	--	--
India	536.9	89	3.7	6,804.99	13
Latin America					
(Average)	--	475	5.4	--	--

Source: UNCTAD : Handbook of international trade and development statistics 1972

Kenya was thus largely viewed by the adherents of the modernization school as a stable polity that was well destined for a transition to a liberal democratic state.

This optimism informed much of the discourse on development on Kenya as long as the post-war economic boom remained a feature of the world economy and the country registered positive economic growth largely measured in liberal economic terms. Modernization theory as a paradigm assumed relevance to a large number of other countries that came to be lumped together under labels like “third world states”, “transitional states” “developing countries” and other connotations emphasizing their linear corollary to the industrialized states assumed to be developed and democratic. It was derived principally from an interpretation of the patterns of liberal democratic changes that had characterized the major industrialized states in their historical development. The theory became a powerful tool and a universal model for projecting the linear democratic prospects for countries like Kenya and a host of other non-industrialized states experiencing state directed economic growth under various forms of dictatorships.

2.2 Dependency Theory and the Critique of the Kenya Liberal Democracy Thesis

With the question of democratization relegated to the background in favor of a strong state that could maximize economic growth, Western powers stepped up their efforts to nurture relationships with states like Kenya which were willing to stand up to the Soviet sponsored ‘socialist orientation’ in Africa. But then, during the early part of the 1970,s the much cherished liberal thesis that Kenya’s liberal economic growth would lead to mass political mobilization came under scathing attack from analysts of the dependency school who argued that, far from being ‘scientific’, modernization theory embodied the hegemonic position of the advanced industrialized societies and that its central concepts like ‘modern’, ‘traditional’, ‘developing’ and others could hardly be employed as conceptual tools in capturing the development that was unfolding in the relationship between industrialized states and their counterparts designated as “developing states”.

On the African political in scene in general, the practical limitations of formal independence had become manifestly apparent and the term “neo-colonialism” had been incorporated into the political vocabulary to underline the inability of national governments to pursue independent economic and political growth strategies despite flag independence. The original optimism that had characterized the earlier discourse on development and democracy entered the second decade only with guarded optimism, at best and general despair, at worst.

The critical assessment of modernization theory’s assumptions was inspired by the paradigm setting attack levelled at its record of development in Latin America by the German-American Andre Gunder, Frank. His thesis which laid the foundation for what was to be known as ‘dependency theory’ pointed out that despite having had formal independence for over a century, Latin American countries were not realising the economic dividends promised by modernization theory (Frank 1971). Coinciding as it did with the end of the post-war economic boom and the U.S. entanglement in Vietnam, the theory laid down the parameters for a critical assessment of the “transition paradigm” that was to culminate in a major re-examination of its core assumptions. Frank’s neo-Marxist inspired analysis of political and economic developments in Latin America was to provide an analytical tool for many in the field frustrated by the gap between the realities in most developing countries and the rosy promises of transition to liberal democracy and stability.

The dependency critique, as P. Hetherington put it “characterized the new undemocratic regimes of Africa, as at best inferior partners, at worst puppets of international capital, serving the interest of a new African comprador class” (Hetherington 1993p. 89). Employing a political economy approach, the theory highlighted unequal trade and investment relationships between the advanced

industrialized states and other non-industrialized states like Kenya which existed on the fringes of the international economy. The expanding world economy in which these 'developing states' had been integrated stunted their growth due to the international division of labour which had turned these countries into suppliers of raw material and markets for industrial output. The eventual flight of capital for re-investment in the core areas of the international economy was further seen as re-enforcing this 'underdevelopment'.

The framework for the debate on Kenya was provided by E.A. Brett (Brett 1973), Colin Leys (Leys 1975) and Steven Langdon (Langdon 1976). Leys' 1975 seminal work-*Underdevelopment in Kenya*- was to be a paradigmatic example of the application of dependency theory to Kenya's post-colonial political and economic development even though he was to enlist himself later to the critique of dependency theory that surfaced in the late 1970's. In *underdevelopment in Kenya* however, Leys pointed out that contrary to the contentions of the liberal democratic theorists, Kenya was not bound for a transition to liberal democracy. He concluded that "the 'stability' of Kenya in 1971, on which it was so frequently congratulated by western journalists, was therefore an appearance which resulted directly from the assertion of state power by the currently dominant combination of classes, and did not reflect the underlying reality of increasingly sharp social and economic contradictions" (Ibid: 274). This was to crystallise into the debate that raged until the early part of the 1980's about the political and economic direction of the Kenyan polity and which became known as the "Kenya debate" (Leys 1996).

The Kenya debate which was about the plausibility of Kenyan state developing a capitalist economic base as a basis for liberal democratic development involved two protagonists, the neo-Marxists interpretation of Kenya's development by the dependency theorists and the classical or 'orthodox Marxism respectively. In a bid to counteract the arguments of the dependency theorists that capitalist

development on which liberal politics could be based was impossible, Michael Cowen conducted his research where he sought to demonstrate that an 'accumulating class' existed among the Kikuyu community and that it predated colonialism (Cowen 1977). He therefore concluded that an accumulating class existed in Kenya and since this class was indispensable for capitalist growth, Kenya had a basis for capitalist development. Leys took into account Cowen's analysis and revised his earlier thesis to accommodate the possibility of a capitalist development in Kenya. He argued in 1978 that the question should be treated as one which was open and not foreclosed.

But two analysts of Kenya's industrial development, Steven Langdon and Raphael Kaplinsky joined the debate and argued that in as much as the question of Kenya's capitalist development could be left open; it was so unlikely that one could as well pronounce it impossible. Kaplinsky advanced the position that Kenya lacked a large internal market on which such a development could be predicated and that the international conjuncture of events that had provided the atmosphere in which the newly industrialised countries (NICs) developed was simply not present (Kaplinsky 1980). Langdon on his part argued that the heavy dependence of the Kenyan capitalist class on foreign capital meant that they could not undertake the necessary changes needed for national capitalist transformation (Langdon 1987). But beyond contributing in undermining the theoretical basis, on which development and democratization theory was previously anchored, the direction of the Kenyan state remained unresolved by the combatants in the Kenya debate and the central issues which preoccupied their concern lingered on.

For a brief period in the first half of the 1970's, however, there was no consistent effort from the theorists who had embraced the liberal democracy paradigm to counteract the arguments advanced by the dependency theorists. Dependency theory in its original formulation held sway among many African scholars and

even appealed to the populist rhetoric of many radical politicians frustrated by the diminishing prospects for economic progress. Even the World Bank appeared to be half heartedly acknowledging the criticism of the theory as evidenced in chairman McNamara's emphasis on 'the principle of meeting basic needs' at its annual meeting in Nairobi in 1973. There was now an open admission that most of the countries in Africa and the rest of the 'developing world' that had been assumed would "catch up" were either threatened with economic stagnation or lack of internal cohesion. A muted despair was emerging both in the intellectual discourse and the practical field of development.

In the countdown to consolidating his power following the regime transition in 1978, president Moi stepped up political repression in a bid to contain internal opposition and declared the his regime was going to follow in the footsteps of Kenyatta. Kenya approached a new decade with diminished faith in liberal democratic development. The perspective of some analysts (Leys 1975) that the social forces that had been repressed under Kenyatta could come to the surface with a power vacuum upon his death with an eventual re-alignment of alliances became a telling synthesis looked at from the repressive measures adopted by the Moi regime in the countdown to consolidating his political position in the wake of the regime change after Kenyatta's death.

In the meantime, radical policy re-orientation was looming in the horizon of the general interaction between the western world and African states. In response to the failure of the developmental state after almost two decades of uneasy economic nationalism, the terms of interaction between western states and African regimes changed in what was to signal the beginning of what became known as the 'neo-liberal reconstruction of the world in the 1980's'. The decade heralded an open acknowledgement of a debacle in Kenya's economic development as was the case elsewhere in the continent. The organization of African unity (OAU) outlined

a plan in 1980 (the Lagos plan) to salvage African economies in the face of declining economic growth.

It was however the World Bank's change in policy that was to herald a dramatic break with the state centred economic wisdom of the 1970s. Acting on the recommendations of the Berg report of 1981 (which indicted African states' development record amidst increasing foreign debt), the World Bank introduced conditionality for its lending and the international monetary fund and Western donor countries followed suit in demanding economic liberalisation as a basis for further lending. It marked the birth of neo-liberal phraseology in Africa's economic development.

The assumptions on which modernization theory was founded and sustained for almost two decades was now challenged not only in academic discourse but by the changes that were beginning to take place in the real world. The period characterised by economic nationalism on which its basic assumptions had been premised had disappeared by the 1980's. National and international control of the movement of capital were being removed as the international economy integrated dramatically, limiting the powers of any state wishing to promote national development. Submission to the logic of the market replaced national planning in non-industrialised states like Kenya where the external call for renouncing state intervention gained an irresistible momentum and as the world economic order changed to reflect the demands of trans-national capital. Glaring poverty, chaos and upheavals were also the scenarios in most parts of the developing world after many years of capital and technological input. The foundations of modernization theory as a programme for change had been undermined by both its critics and actual changes taking place in the real world.

With the ascendance of neo-liberalism as an agenda for change in the 1980's, the focus then shifted to market and social movements, communities, political parties and other social entities generally referred to as 'civil society'. It was however not until after the end of the cold war following the breakdown of the Soviet Union that market liberalization and multiparty politics became the unquestioned recipe for political and economic change. A largely external impetus developed to give the impending change a neo-liberal content. Traditionally silent over Moi's excesses over much of the 1980's, the United States broke with tradition and fronted a vocal criticism of the regime's political repression and economic mismanagement. International donors stepped forward and suspended a \$ 250 million package in economic aid to Kenya in 1991.

In December 1991, Moi announced the end of the one party rule and the re-introduction of multiparty politics in Kenya. It is against this background that I analyze the renewed faith in the survival of liberal democracy as a basis for peace and stability in Kenya following the removal of the constitutional clause which prohibited the formation of political parties besides the ruling party KANU. It was however not until December 1992 that the multiparty elections finally took place under the tutelage of the same regime that had put a spirited opposition to its introduction. Overseen by a host of international observers, political competition got underway and however imperfect the result was, Kenya was supposedly put back on its perverted liberal democratic development. What this development entails for Kenya's long term political and economic stability is the subject matter of this analysis. The next chapter looks at the first multiparty elections held in 1992 and asks whether those elections enhanced the prospects for democratic transformation.

CHAPTER THREE

The 1992 Elections: Democratic Transition or Electoral Transition Without Transformation?

Following an internal wave of protest and mounting pressure from Western governments and international financial institutions, the Moi regime succumbed and held multiparty elections on 29 December 1992. The elections marked the end of the monopoly on political power by the ruling party KANU (Kenya African National Union) since independence from colonial rule in 1964, and the “big Man” personal chieftaincy of President Daniel Arap Moi which had institutionalized political repression as a mode of governance since assuming office in 1978. The Kenyan election was greeted with immense euphoria coming as it did in the heels of the political changes spanning the globe following the end of the cold war.

Although Kenya became a defacto one party state in 1964 following the merger between KANU and KADU (Kenya African Democratic Union), Kenya’s first President had allowed periodic political renewal of his leadership by sanctioning national assembly but not presidential elections. These national assembly elections even continued after the banning of the opposition party KPU (Kenya People’s Union) which reintroduced opposition politics in postcolonial Kenya in 1966 before it was effectively outlawed in 1969. But the presidency was to remain a sacred office not open to political contest until the multiparty elections in 1991. The elections were therefore, as many observers were at pains to point out a “watershed” in Kenya’s search for democratic transformation (Barkan 1993) or as in the words of the commonwealth observer group, “a giant step on the road to multiparty democracy” (Commonwealth observer report 1992: 63). Even though a plethora of international observers arraigned to observe the elections faulted the

process on procedural terms, they remained optimistic about Kenya's democratic future. The local and international consensus that a democratic transition was unfolding in Kenya was simply overwhelming.

The early part of the 1980's had witnessed a dramatic decline in Kenya's economic growth and an increase in political repression as Moi and his close associates sought to establish what towards the end of the 1980's would become one of Africa's best known scenarios of personal rule exercised through orders and decrees. Moi sought political control and macro-economic management of the economy aimed at rewarding political loyalty and discouraging dissent. He was determined to put into 'good use' the tools of statecraft he had learnt during his long tutelage as Kenyatta's vice president. Kenyatta had enjoyed unquestioned authority, having been at the helm of the struggle for independence from colonial rule, and after independence KANU under his stewardship resorted to a strategic posture of carrots and sticks in handling opposition to the regime.

Kenyatta's post-colonial regime adopted selective economic incentives aimed at strengthening the basis of his political support which largely revolved around his ethnic Kikuyu community and other related kin groups as the Embu and Meru of Eastern province. These groups benefited disproportionately from government allocation of public services like health, education, access to credit and appointment to public service. It was a practice that Moi was to give a new lease of life upon his assumption of power in 1978, and one that he was to implement with the zeal of a fanatic in a concerted effort to build his political patronage by co-opting into the political fold those groups that had been marginalized by the Kenyatta regime.

Kenyatta's patronage was exercised in the relative calm of the political euphoria after the decolonization process and the post-war economic growth that Kenya

experienced under his leadership earned him the dubious tag of ‘benevolent dictator’. When Moi set out to replicate the practice of disproportionate favoritism of political clients upon assuming the presidency, the narrow political base of his power called for repressive measures that made a radical departure from Kenyatta’s benevolent authoritarianism and sentenced Kenyans to thirteen years of unquestioned ‘personal rule’ that rewarded political sycophancy and clamped down hard on dissent, it was a sentence Kenyans would serve without parole.

The changing balance of social forces upon Moi’s assumption of power was to underline what was becoming a fact in Kenyan politics, the mobilization of state machinery to bestow economic and political advantages to partisan groups on which the support for the regime rested -the settlers during the colonial period, the ethnic Kikuyu community during the Kenyatta era, and with Kenyatta’s demise, the ascendance into state bureaucracy of Moi loyalists drawn mainly from his ethnic Kalenjin community and other minority ethnic groups that had found themselves on the periphery of Kenyan politics during Kenyatta’s reign. The struggle that ensued in the wake of the reorganization of the apparatus of the state to reflect this new reality generated a political culture fear and sycophancy on which was came to be the foundation of Moi’s leadership as long as it lasted.

In 1982 following an aborted coup attempt led by members of the Kenya Air force, Moi tightened his political hold on power to underline his personal rule and by the mid 1980’s his omnipresence in every aspect of Kenya’s body politic had become a fact of life. Rampant corruption in government coincided with the international economic crisis of the 1980’s to erode Kenya’s earlier positive economic growth. The economy declined, annual per capita income fell, basic social services like roads collapsed while unemployment and poverty increased in aggregate terms. Real economic growth slumped from where it had averaged between 3 and 4.9 percent in the 1980’s to 2.2 percent in 1991. The image of

Kenya held out to many countries in Africa as a model for successful economic development within the capitalist framework had gradually dwindled into the oblivion by 1989 when the international realignment of forces were taking place across the globe following the breakdown of the Soviet Union and its satellite states in Eastern Europe.

Apprehensive over what could be an impending popular revolt in Kenya, Western governments joined the fray to pressurize the regime for change. On 25-26 September 1991 at a meeting held in Paris, Kenya's bilateral aid donors suspended economic aid for six months making it contingent upon the adoption of multiparty politics or 'good governance' as they put it. An internal opposition that had been fermenting against the Moi regime was then given impetus and cover by Western governments and international financial institutions culminating in the multiparty elections held for the first time on December 29 1992.

By 1990, defiance against the regime had taken overt forms. It galvanized the disaffected elite from the legal profession, the established churches and business before it was given its mass appeal by ordinary citizens. Its external dimension came to be represented by the vocal agitation of the American Ambassador to Kenya Smith Hempstone whose name was to become synonymous with the local opposition to the Moi regime in the countdown to multiparty politics. In the countdown to the elections, cracks emerged within the single front that had consolidated itself against the government. Having reluctantly accepted the demand for change, the specter of a fragmented opposition was a welcome reprieve for Moi who had strategically counted on the fission to retain political power.

In the subsequent election conducted in December 1992, Moi returned to power as an elected president having garnered 36% of the total votes cast. This put him

ahead of other rival opposition parties whose total percentage constituted the remaining 64% of the remaining votes cast but whose inability to field a single presidential candidate had indirectly aided the regime's quest to cling to power. Misgivings from the opposition about electoral irregularities notwithstanding, a new era had dawned on Kenya with Moi at the helm of it as an elected president. The ruling party KANU won 100 seats in the new 188 member parliament against the opposition's 88 seats. Armed with a new mandate, the new KANU under Moi set out to reassert its waning political power.

Table 3.0 Kenya Election Results 1992

	Total	Nairobi	Central	Eastern	Coast	North- Eastern	Rift- Valley	Western	Nyanza
Provincial as % of total vote.	100	7	19	15	6	1	27	10	15
Turnout as % of registered Voters	68	56	84	62	48	41	76	63	63
<hr/>									
Presidential (% of vote)									
Moi (KANU)	36	17	2	37	62	78	66	40	14
Matiba (FORD-A)	26	44	60	11	11	11	19	38	2
Kibaki (DP)	19	19	36	50	10	3	8	3	7
Odinga (FORD-K)	17	20	1	2	16	8	6	18	76
<hr/>									
Parliamentary (no of seats won)									
KANU	100	1	0	21	17	8	36	10	7
FORD-A	31	6	14	0	0	0	4	2	0
DP	23	0	10	9	1	0	2	0	1
FORD-K	31	1	1	1	1	2	2	3	20
Others	3	0	0	1	0	1	0	0	1
Total seats	188	8	25	32	20	10	44	20	29
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% Incumbents won	26	12	4	34	45	60	34	25	14
% old Faces won	54	38	36	59	65	50	59	55	55

Source: Joel D. Barkan, 1993

3.1 The Opposition: Social Class, Ethnic Dynamics and the Case for Democratic Transformation.

In the aftermath of the elections, the Moi regime armed with a new mandate adopted a dual strategy of partially recognizing the opposition and seeking to contain the same through political intimidation. There was on one hand the concerted effort to demonstrate to the external world that there was indeed a genuine democratic political space in the context of the changed political climate, and on the other hand, the temptation by the new Moi regime to resort to familiar autocratic methods in containing an opposition that had duly shaken his hold on political power. The liberal democratic faith was sustained in the aftermath of the elections in the opposition's complaints about irregularities that marked the voting exercise and, that Moi had had after all retained the presidency with a minority vote.

The prospects for Kenya's democratic development came to be analyzed against a backdrop of a fragmented opposition which should otherwise have united to put an end to the Moi regime, in effect furthering the prospects for democratic governance in Kenya (Ndegwa, 2002, Barkan 1993, Harbeson 1998). But as future developments would later demonstrate, tying Kenya's democratic future to the removal of the Moi regime seriously overlooked the conflicting interests of the social classes that had been mobilized in opposition to the regime. Such analyses failed to place the political agenda of the opposition in the economic matrix of class politics that has governed Kenyan politics since independence from colonial rule in the early 1960's. Locating the democratization process within the context of conflicting interests among the different social formations, and how state machinery has been mobilized in the subsequent struggle is indispensable in giving a more nuanced account of the present impasse in Kenya's democratic development. It might be useful here to refer briefly to this antagonism since its

central aspects are quite relevant to the current debate on the future of Kenya's current liberal democratic project.

A number of analysts have pointed out that the genesis of the prevailing crisis in Kenya's democratic development stems from the specific characteristics of the post-colonial state, its method and form of accumulation in the years after independence, and the character of class forces that have historically steered this development (Leys 1975, Langdon 1981, Ajulu 1998). Having achieved independence from colonial rule in 1964 amidst internal contradictions rooted in the competing claims of different social formations largely fostered by colonialism, competition for control of the state apparatus became a hallmark of post-colonial Kenyan politics. Predicated on the uneven geographical and social development bred under colonialism, and which worked to produce regional inequalities which coincided with the spatial settlement of ethnic communities, ethnicity became a central factor that could be mobilized in defense of social or class interest.

While an in-depth study of ethnicity lies outside the scope of this modest analysis, it is vital to point out that ethnicity far from being fixed and given as implied by analysts like Horowitz (Horowitz 1993) is dynamic and changing. Horowitz contends that "a major reason for the failure of democratization is ethnic conflict" (Ibid: 23). But as Braathen, Bøås and Sæther state, ethnicity "must be understood in the light of the socio-economic context in which they operate, and within this context, ethnicity is just one among the many variables (Braathen, Bøås & Sæther 2000p 4). Politicized ethnicity (political mobilization of ethnic consciousness) which has characterized Kenya's political and economic developments, far from being a fixed attribute is a product of a specific historical development. As Leys asserts "the foundations of modern tribalism were laid down when the various tribal modes and relations of production began to be displaced by a capitalist one giving rise to new forms

of insecurity”. (Leys 1975: 199). As economic and social stratification heightened following the uneven development of the colonial economy, it became obvious that regional (ethnic) inequalities would structure future political contestations. As observed by Ajulu “ethnicity has thus become the medium through which class politics is mediated” (Ajulu 2002:251)

The above view contrasts sharply with the one prevalent in the mainstream literature on democracy which sees ethnicity as the biggest obstacle to democratization as highlighted by Horowitz statement. The implicit contrast underlying such conclusions is the assumed dichotomy between modern and stratified nations of Europe and the still tradition bound ethnic communities of Africa. The distance between the Europeans and the natives coined during the colonial period and raised to the level of scientific truth by the evolutionary gospel of anthropology (Braathen, Bøås & Sæther 2000) are by no means things of the past in current academia. But ethnicity remains a dynamic concept capable of redefinition to suit different political contexts. A look at social class and ethnic interaction in Kenya’s economic and political developments highlights this phenomenon.

The struggle for independence had brought together Kenya’s two single largest ethnic communities, the Kikuyus (22%) and the Luos (11%). The former hail from central Kenya around Nairobi and had been drawn into the independence movement under KANU in opposition to colonial policies, the most outstanding of which was land alienation to the white settlers which had left a good proportion of the community landless. Together with the Luos from the shores of Lake Victoria, they formed the core of the pre-independence KANU which campaigned for independence on a platform of a strong central government as opposed to a federal system which was being advocated for by the settlers, but which was seen in the context of the decolonization process as a renegade strategy by which the

departing colonial government sought to grant regional autonomy to the remaining white settlers as independence approached. KANU, by design or default had become a party of the majority ethnic groups.

The smaller ethnic groups from Rift Valley, the Coast, and the north consolidated under KADU and adopted a less confrontational posture towards the colonial government. Their advocacy for federalism (*majimboism*) and liberal economic policies went well with the ambitions of the settlers and appealed to Western interests apprehensive about the future character of the post-colonial state which was now admittedly waiting in the wings. KADU's leader Ronald Ngala came from the coastal town of Kilifi. This seemingly subtle alignment of social forces on the eve of independence would later define the fault lines of political contestation in the years after decolonization.

Kenyatta's presidency in the years after independence reinforced the political and economic dividing lines that had developed during the first years of multiparty politics under colonial guardianship. During Kenyatta's leadership, the colonial economic structure which had been designed to preserve settler interest became a vital instrument in aiding capital accumulation by a rising Kikuyu business class whose primitive accumulation as earlier cited Cowen argued predated colonialism. But timeline for the accumulative enterprise notwithstanding, Kikuyu individuals, and to a lesser degree, the Luo elite gained prominence in public service, the armed forces and government corporations notwithstanding the recruitment of the elite from other educated ethnic communities. The much talked about 'indigenizing' or 'Africanizing' the economy became a mechanism through which the regime fostered a new propertied class mainly drawn from the Kikuyu ethnic community. As under colonialism, this domination was regulated by authoritarian means heavily dependent on state machinery which the regime effectively controlled.

One formidable challenge upon independence from colonial rule was how the post-colonial government would handle the problem of economic distortion that had been created by the settler economy. Lingered in the background was the burning question of large tracks of land that had been alienated to the white settlers for agricultural production, and which had sent many Kenyans into reserves and rendered individuals and communities landless. Having moved into political leadership, KANU under Kenyatta gradually moved away from the radical platform on which it had campaigned for independence thereby alienating the radical nationalists within its own ranks. The demand for land redistribution was sealed when the new regime obtained an £ 18 million loan to purchase the land from the settlers in order to sell it on a willing buyer willing seller basis.

The issue of land redistribution had by this move been effectively circumvented as the post-colonial social class that took over state control sought to assume the privileges established under colonialism. As Leys observed in his 1975 analysis of Kenya's political developments, "the political aim of taking over the economy became merged almost imperceptibly with individual aspirations to take over the jobs, positions which the economy made possible; the immediate problem appeared to be to take over the economy, not to change it" (Leys 1975:265). The battle lines had been drawn, and with it the changing balance of social forces that would loom large in Kenya's post-colonial political contestation.

3.2 The Changing Economic and Ethnic Political Basis of in the Contest for State Control

In the subsequent split caused by Kenyatta's consolidation of his regime around his ethnic Kikuyu commercial interest, the radical opposition within KANU was sidelined leading to the formation of the opposition party KPU (Kenya People's

Union) under the leadership of Oginga Odinga and Bildad Kaggia. Moi, whose KADU (Kenya African Democratic Union) had been co-opted into KANU in 1964 was then drawn in as Kenyatta's loyal lieutenant to fill the position of the vice presidency left vacant by Odinga's resignation. Despite the elevation of Moi to the vice presidency, Kenyatta's rule continued to use state protection to govern in a way that disproportionately favored the Kikuyu ethnic base of his political support which had constituted the core of the nationalist movement in the countdown to independence.

For Moi, as events would later demonstrate, acting as Kenyatta's second in command was a 13 year long school whose lessons he would recall with a photographic memory upon assuming power after Kenyatta's departure from the political scene. The principal lesson was how state apparatus could be deployed in the process of capital accumulation and patronage built around ethnicity as a secure basis for political support.

It had become increasingly evident that a clear economic class had emerged out of the dust of the struggle for independence and that this class had fast developed the awareness that it had to act politically to preserve the economic structure of benefits and privileges which colonialism had perpetuated, and which neo-colonialism was now re-enforcing in new forms. Whereas primitive forms of capital accumulation predating colonialism might have existed among a section of the Kikuyu as Kenya analysts like Cowen contended, post independence economic developments saw the consolidation of this class as it moved to dominate central sectors of the economy to entrench itself as the class that would dominant role in Kenyan politics. A marked contrast was in the manufacturing sector which was left predominantly in the hands of Kenyan Asians at the prompting of international capital that feared 'indigenization' could lead to a drop in production as had been the case in Uganda and Tanzania.

With the radical nationalists within KANU pushed to the political periphery, elements from the ‘settler friendly’ KADU incorporated into the government and the colonial land tenure system retained, the regime had accomplished a twin strategy of appeasing international capital by underlining continuity while at the same time strengthening a domestic class that would act in defense of the structural continuity that was being created in the transition from colonial rule. There had been apprehension regarding what policies the post-colonial regime would adopt regarding large scale commercial agricultural farms mainly in the hands of the settlers. This apprehension would soon vanish by the appointment of Bruce Mackenzie, a former settler farmer who was to become instrumental in overseeing the new regime’s land policy upon his appointment as the minister for agriculture where he remained until 1972. *Sessional paper no. 10* outlined the overall strategy and with it, the seeds of the present day contradictions that underlie present day Kenya’s political and economic development were born.

The development I have outlined above laid the framework for the contradictory class interests that have been at the core of Kenya’s democratic development. Economic growth in the years immediately after decolonization founded on the stable post war international economic boom and the euphoria that followed in the wake of independence downplayed the contradictory tendency of wealth creation in the midst of growing poverty. In this mood of consensus, few, if any seemed to be concerned that the social inequalities which were in effect re-enforcing ethnic cleavages could in the long run create political instability. In the era of one party rule and the reign of conventional development theory, Kenyatta’s iron fist rule remained unproblematic and was seen by many international analysts as a form of ‘accountable authoritarianism’ (Barkan 1992, Cohen 2001).

It was popularly held throughout much of this period that Kenyatta was a leviathan who ruled for the good of the citizenry, that 'good' being economic growth reflected in a growing GDP, which such analysts held would lead to liberal democratic development. This is succinctly reflected in an analysis by John M. Cohen where he contends that "Kenyatta tolerated "good corruption" which was based on reasonable kickbacks" (Cohen 2001: 104). But as it would become manifest in the lead to the transition to the Moi regime in 1978, the Kenyan post-colonial arrangement was far from being a stable one as was demonstrated by the struggle for control of the state machinery as the aging Kenyatta's departure from the political scene loomed.

Moi's ascendance to the throne in 1978 following Kenyatta's death came against a backdrop of intense campaign by the ruling clique around Kenyatta to block him from assuming leadership of the state. The latent class character of Kenya's post-colonial development evidently became manifest as the dominantly ethnic Kikuyu upper class that the regime had propped joined ranks in an intense and vocal political campaign to safeguard their interest in the face of an uncertain transition. In what became known as the 'change the constitution movement', this group's intention—shortly before Kenyatta's—to change the constitutional clause which provided that the vice President (*read Moi*) assumed the presidency in an acting capacity for 90 days upon the president's death or resignation.

The propertied social class nurtured and bred under Kenyatta's leaderships and predominantly from a section of the Kikuyu ethnic group had a shared perception that Moi's presidency would shift the centre of power and remove the state protection which had played a pivotal role in their capital accumulation. Moi was only able to assume power through the backing of a faction within this class led by the then powerful attorney general Charles Njonjo who had hoped Moi would be a stepping stone for his own power ambitions. But this was not to be, once in power,

Moi began to reorganize the state machinery in a process that would rank him alongside Mobutu as one of the vilest tyrants of the 20th century African continent.

The increased repression under Moi's predatory state looked at from this perspective, was a logical consequence that followed as state power tilted away from the social class that had become known as the 'Kikuyu bourgeoisie' that formed the central plank of the previous regime's support. Moi's leadership started on a populist note aimed at containing the formidable threat posed by the politico-economic class that Kenyatta had created. He vowed to continue in Kenyatta's footsteps and coined the word "*Nyayo*" meaning "*footsteps*" in Kiswahili to underline the continuity. But when he started the exercise of removing Kenyatta's loyal henchmen from positions of political and economic power in order to build his system of disproportionate favoritism around his Kalenjin ethnic group and other minorities that had been the basis of KADU's power base, Moi found his regime pitted against powerful interests and his populist rhetoric gave way to naked repression. He demanded total submission to his rule and indicated that his regime will not tolerate dissent.

By 1984, the populist moment had gradually dwindled into the political oblivion and in a much quoted speech Moi summed up the new political dispensation, "I call on all ministers, Assistant ministers and every other person to sing like parrots. During Mzee Kenyatta's period I persistently sang the Kenyatta tune until people said "this fellow has nothing except to sing for Kenyatta". I say: I was in Kenyatta's shoes and therefore, I had to sing whatever Kenyatta wanted. If I had sung another song, do you think Kenyatta would have left me alone? Therefore you ought to sing the song I sing. If I put a full stop, you should also put a full stop. This is the way this country can move forward" (quoted in Andreassen 2003. 154). The 1982 coup attempt by members of the Kenya air force provided the occasion for stepping up the repressive machinery culminating in the hanging of the coup plotters and detention without

trial of a growing number of university students and their lecturers. The hope of liberal democratic development held by the adherents of the state centered post-war development discourse had given way to despair and grim pessimism.

Towards the end of the 1980's Moi had skillfully tilted the balance of state protection in favor of his cronies effectively shifting the economic power base from the Kikuyu business establishment while brokering a political rapprochement with a section of the same group for political support. His close ethnic confidants like Nicholas Biwott gained prominence in businesses that spanned from banking to petroleum distribution. A new class had emerged from the new beneficiaries of state protection revolving around Moi's ethnic Kalenjin community and other minority ethnic groups that had been KADU's stronghold in the lead to independence. Moi had learned as Ajulu notes that "political power is more than a cabinet office; it is the access to key levers of the economy which constitute political power" (Ajulu 1998: 83). But Moi, always a skillful manipulator also held out political patronage and state protection to individual members of the old Kikuyu establishment and fragments of the Luo elite who would opt to operate under his political orbit.

Whereas the first decade after independence was very favorable to capital accumulation due to a growing international economy, the same was not the case when Moi took power in 1978. Even though the second half of the 1970's registered economic growth in aggregate terms, there was a growing concern about rising unemployment and worsening conditions of the urban working class against the background of a population growth rate that remained one of the highest in the world (4.1 %). The consequences of the uneven economic development inherited from colonialism and fostered by the Kenyatta regime were becoming rather visible as Kenya approached the third decade of formal independence.

It was thus becoming apparent that the Moi regime would have to address multiple centers of discontent as opposed to the regime it had replaced. As economic growth declined under the heavy weight of corruption, public mismanagement and a declining world economy, growing discontent had become commonplace as evidenced by the reemergence of the trade unions which had been skillfully muzzled during Kenyatta's leadership. The prospects that political instability could be the logical result of rising unemployment, declining wages for the urban working class and continued impoverishment of the peasantry was becoming a primary concern for international capital that had large investments in the Kenyan economy.

By the early late 1980's when the movement for change started gaining momentum, the realities of the political developments in Kenya had changed and few could still argue as during the height of the 'Kenya debate' in the early 1980's that the option of a capitalist growth and liberal democracy was viable. The evidence of a crisis was too visible to be ignored by any observer. But many still clung to the notion that the course of a stable capitalist growth on which stability could rest was perverted by what in political jargon had become known as "Moi's kleptocracy (authoritarian rule predicated on greed and corruption) and that his removal would pave the way for a democratic transition. This was the position of many Western governments under whose political axis the mainstream opposition operated. The United States, Kenya's most visible cold war ally mandated its ambassador Smith Hempstone-a Republican appointee and former chief executive of a conservative Texas newspaper *the Washington times*- to oversee the change.

When the opposition to the regime was made formal and overt in 1989, it brought together within its ranks diverse social groups with contradictory aspirations concerning the unfolding prospect for regime change. The Forum for the

Restoration of Democracy (FORD) which at once became the political home of all the social forces that had mobilized in reaction to Moi's repressive rule was a combination of social classes with divergent and contradictory tendencies. As a united front, it immediately struck a cord with the wide discontentment among the unemployed, the urban working class, middle class professionals, and the rural peasantry clamoring for change after years of misrule. But FORD's leadership also brought together social groups that had formed the core of the original KANU during the anti-colonial campaign.

The dominantly ethnic Kikuyu capitalist class that had been marginalized by Moi's regime and a section that had remained in government at his pleasure saw the political opening as an important opportunity for recapturing the state machinery. Political fate quickly dictated that this group gravitates towards the two decade long agitation represented by Oginga Odinga who after being sidelined by the two regimes came to embody the dominantly Luo middle class' claim to state power invoking 'ethnic persecution'.

In the years after the fallout with the Kenyatta regime, Odinga's radical nationalism whose tone set KPU's political agenda advocated land reform and opposed what was seen as Kenyatta's attempt to institutionalize inequalities inherited from the colonial rule in the transition to independence. His inclusion in the emerging opposition restored the pre-independence Luo-Kikuyu alliance and with it, a partial reading of a radical agenda which had given KANU its appeal as a mass movement in its anti-colonial campaign. Odinga's post-colonial oppositional political posture however stood in contrast to those of the former beneficiaries of state patronage which a predominantly Kikuyu section of the opposition in FORD constituted, and with whom he was now forging an alliance.

The above marriage of convenience made the opposition broad enough to appeal to disenfranchised social groups yearning for change in the face of grim poverty, rising unemployment and general insecurity as a result of public corruption and mismanagement. This explains the enthusiasm with which FORD was greeted in those regions that had largely fallen outside Moi's system of disproportionate favoritism. But the amorphous character of the emerging opposition was also a double edged sword. The conflicting class and personal interests of its members was a potential cause for disintegration, a prospect which Moi counted on and waited for patiently.

When Keneth Matiba and Charles Rubia broke tradition with the hitherto style of covert opposition by publicly calling for multiparty politics at the prompting of the American Ambassador Smith Hempstone, a large section of the Kikuyu business establishment woke up to their call before the two were promptly detained. While in detention, their agitation was given voice by a growing number of radical individuals from the legal profession, the church and close business associates largely drawn from their ethnic Kikuyu community. With Matiba and Rubia in detention, Odinga assumed the leadership of the opposition at the urging of radical individuals mainly from the legal profession and academia who had become known as the 'young Turks'. When the regime seemed to be losing ground under the blitz of FORD agitation, a section of the Kikuyu propertied power elite from the Kenyatta era who had hitherto remained in KANU staged a walkout.

The old political establishment retained by Moi as to enlist ethnic Kikuyu support had remained in KANU and initially joined Moi in his opposition to multiparty politics, with Kibaki arguing in his much remembered speech that "Fighting for multiparty was like cutting a mugumo tree (*a huge trunk tropical tree*) with a razor blade" (re-quoted in *The Daily Nation* 16, Feb. 2001). But when Moi and KANU seemed besieged, the group hurriedly moved from the party in a bid not to be

caught on the wrong side and formed the Democratic Party (DP) under Kibaki's leadership. The stage was set for a classic class struggle for state control and a reenactment of the political struggle that saw the Original KANU split after decolonization.

The ethnic Kikuyu propertied class that had coalesced around Matiba and Rubia in FORD had no reason to be excited over Odinga's reputation as a radical nationalist who had consistently called for egalitarianism in his almost two and a half decade long opposition to the two regimes. But if the changing international political climate after the cold war had narrowed down the ideological divide-real and imagined-among the different contenders to state power, it had done nothing to minimize the open suspicion held by the influential Kikuyu business elite that Odinga's leadership might not be compatible with their long term political and economic power calculations. Having been confined to the periphery by the two regimes, the prospect of Odinga using state power upon becoming president to shore up his predominantly Luo political power base was to this social group more than an academic issue.

While Matiba was recovering at a London hospital following his release from detention, fear of schism in the newly founded opposition party remained as could be interpreted from his conspicuous silence over how high as he persistently what role he intended to play upon his return. But when he did finally return, the fragile unity disintegrated as he declined to acknowledge Odinga's leadership of the opposition. A united opposition had disintegrated under the heavy weight of social class contradictions and personal power ambitions of its leadership, and Moi could now face a fragmented opposition for which he had long drawn out the process in anticipation.

3.3 After the Elections: Electoral Transition without Democratic Transformation

After KANU won the elections and Moi retained political power with a minority vote, it became obvious that the struggle for state control would continue in other subtle, if not altogether violent forms that could even overwhelm the weakened state. One of the reasons given by the Moi regime for opposing multiparty politics was that it would lead to ethnic conflict, and in order to prove this right, Moi and his close lieutenants soared up ethnic animosity by calling for the expulsion from the Rift Valley the Kikuyus and the Luos who had settled in that region after independence. The state inspired violence that became known as the 'ethnic clashes' continued well into the period after multiparty elections where Moi continued with his system of reward and punishment of political friends and foes respectively. When the dust finally settled down, the clashes had claimed about 1,000 lives and Moi was back armed with a new mandate to extend state protection to both himself and his close allies like Biwott and Ntimama whose hands were clearly visible in the state sanctioned ethnic violence. Kenyans braced for a new form of authoritarianism under multiparty 'democracy'.

Looked at from the social class perspective I have outlined above, it seemed rather logical that the new Moi regime should use its electoral victory to preserve the special status its members had acquired through their thirteen year old patronage of the machinery of the state. This was demonstrated in the protracted war that followed between the new regime and its creditors, mainly the World Bank and the international monetary fund whose attempts to privatize certain sectors of economy threatened the interests of the business elite built around Moi and his Key allies. In the meantime, Moi held out financial inducement and state patronage to members of the opposition who would defect to KANU. By 1997, a sizeable number of opposition politicians who had defected from KANU for

instrumental other than ideological reasons had responded to Moi's overtures and rejoined his new government.

In the by-elections called as a result of the defection of sitting MPs to the government, KANU won eight of the thirteen seats and strengthened its position in parliament. Between 1993 and 1997, the number of opposition members had fallen from 88 to 76 while KANU had a total of 122 MPs (Throup & Hornsby 1998: 569). Proximity to state power regardless of who held that power seemed to be the guiding principle in changing party affiliation thereby calling into question the very notion that multiparty politics in Kenya would generate stable political institutions and cleavages.

It was becoming apparent to many that multiparty politics had failed to make a complete break from the authoritarian tendencies of the last three decades. The new Moi regime had incorporated some of the features of the liberal democracy ideal, the most outstanding of which is elections-in such a way as to embrace its form without substance. But the most problematic agenda looked at from the perspective of the social class antagonism adopted here remained the question and equation of the transformation of the Kenyan economy to address the issues of landlessness, rising unemployment and widespread social inequality which posed a potential threat to political stability. This calls for a brief reflection over some of the issues raised in the Kenya debate which I highlighted above.

It is tempting, looking at Kenya's political development to concur with those who pointed out in the Kenya debate that a combination of the structure of the colonial economy (inherited intact in the transition to independence), a predatory state and the monopoly power of international capital constituted a hindrance to Kenya's long term political stability. The thrust of this argument rested on the contention that the social class which became known as the Kenyan comprador bourgeoisie or

simply as the Kenyan capitalist class stood in the way of economic transformation that could reduce social inequality which had become a central feature of the post-colonial Kenyan reality.

Using the state as an instrument of control and capital accumulation, the new social class opposed economic measures such as land redistribution which could reduce the population pressure on land but which was not compatible with large scale commercial agriculture which this class dominated in alliance with international capital. The equation was seen as further complicated by the needs of international capital whose investment priorities was seen as geared towards the export market leading to unproductive use of national resources. The Kenyan debacle seen from this point is the logical consequence of this distorted development.

The neo-liberal response to the economic and political crisis in Kenya as in other sub-Saharan African states during the first half of the last decade was to focus on the state and corruption as the major obstacle to economic development in their thesis that the path of capitalist economic development was indeed feasible in the absence of market imperfections and an authoritarian state. International financial institutions moved fast to link what became known as 'good governance' to the demand for market liberalization. If the state distorted development by imposing trade restrictions, subsidies, price control and other measures from which 'rent seeking' public officials benefited according to this neo-liberal phraseology, then it logically followed that the remedy lies in deregulation, meaning discarding state intervention so as to give primacy to the logic of the free market. The demands of liberalization simultaneously call for a democratization strategy to curb state power because the liberal economy requires a liberal state according to this reasoning.

In taking stock of the Kenya debate in the second half of the 1990's, Colin Leys (Leys 1996: 143-163) whose seminal work set the tone of the debate on Kenya's political and economic development pointed out what he saw as the contradictions of Kenya's capitalist development and the question of political stability in the long run. Leys, who had moved from dependency theory in its original formulation held the question of liberal democratic development open and not foreclosed as he had originally argued but spelt out what he saw as the challenges facing the prospect of such a development. In view of Kenya's fast growing population (somehow mitigated today by the AIDS epidemic), he saw radical land reform as indispensable in providing subsistence for the new work force, productive employment in the agricultural sector and expanding the domestic market for the local industry thereby reducing the risk of political instability stemming from social deprivation. But this solution was seen as untenable as the same land remained the most secure basis for capital investment by the social class that held state power. Forgoing the privilege of capital accumulation for the landed elite in the regime would have been unthinkable. This foreclosed the question of radical land redistribution.

The way forward thus-in view of the impasse over the growing pressure of labor on land due to vested social class interest-was selective legislation that promoted rapid industrialization that could enhance the manufacturing industry's capacity to compete in the world markets, a path reminiscent of the one that had been followed by the newly industrialized states (NICs). But once again this option was seen as caught up in the conflict between indigenous Kenyan capital and the needs of manufacturing industry which in the words of Roger Southall is "dominated by an Indian bourgeoisie which although formally Kenyan, is politically insecure and is still regarded as essentially foreign" (Southall 1999:94). This implied incongruence between the short term interests of the social classes that held political power and those of the manufacturing industry largely in the hands of Kenyan Asians and

multinational corporations. The consequence of this has been that this segment of the domestic capitalist class has never seen the need to adopt measures like import restrictions, wage reduction or tax waivers to stimulate industrial growth.

The above contradictions remain central to the question of liberal democratic development in Kenya which underpins multiparty competition. On close scrutiny however, it remains doubtful that such a development could be realized even if the domestic capitalist class was to assume ownership of the manufacturing sector and legislate positively to promote its growth. Economic nationalism alluded to above appears rather remote within the context of the international neo-liberal arrangement policed by international financial institutions. Furthermore, this thesis presupposes a large internal market and an ever expanding world economy receptive to new states. This is far from being the reality of world capitalist development as demonstrated by the current trade antagonism among the major trading blocks represented by the United States, European Union, Japan and China. As it is, the question of a stable liberal economic growth for Kenya remains shrouded in serious doubts, pronouncements to the contrary notwithstanding.

In light of the of the social class competition for state control outlined above, the stalemate that ensued in Kenya's democratic transformation process after the 1992 multiparty elections becomes explainable. The *ancient regim* continued its hold on political power and opposed reforms that threatened to undermine the privileged status the power elite had acquired through the monopoly of state control. This explains the tug of war that continued between Moi's power elite and international financial institutions culminating in the suspension of financial disbursements in the run to the second election in 1997. The euphoria that greeted multiparty politics started to wane as its outcome was failing to translate into democratic transformation that could address the economics of social inequality whose manifestation remained declining economic growth rate, high unemployment, low

living standards, increasing crime rate and other social ills which threatened political stability.

Beneath the facade of political pluralism, competition for state control among the social elite seeking to consolidate social class interests and a demand for a liberal state to protect the interests of international capital was threatening to aggravate social inequality. The reintroduction of political competition at the beginning of the decade as could be readily admitted had not yielded the much the promised economic dividends as Kenya approached the close of the decade. There were worrying signs reflected in growing public apathy that the Kenyan state was failing to make a break from the past. As long as Moi continued his tight grips on political power which he retained after the second elections in 1997, these contradictions remained camouflaged in the widespread contention that his departure from the scene would pave way for a democratic transformation. But as the next chapter highlights, personal morality was far from being the central problem of Kenya's democratic transformation stalemate.

CHAPTER FOUR

The 2002 Election and the Exit of the Moi Regime: Third Time Lucky or Third Time Doomed?

The period after the first election witnessed a general stalemate between the governing elite of the Moi regime on one hand and the established political parties and other social groups on the other. The mood was becoming less euphoric as Kenya approached the second election in 1997 amidst deepening political and economic crisis. Many observers were ready to admit that far from opening a political avenue towards a transition to liberal democratic development, the elected regime under Moi had appropriated the forms of liberal democracy but reneged on every substance in the way of democratic transformation. The widespread assumption made at the advent of political pluralism that the aftermath of multiparty politics would be characterized by democratic gains gave way to open acknowledgement that Kenya was in a state of what John W. Harbeson called “arrested democratic consolidation” (Harbeson 1998 p 161).

After almost four and a half years after the first multiparty elections, the newly elected regime refused to acknowledge the opposition, bribed a section of it to defect to the ruling party and stood up to the demands of international financial institutions seeking to privatize sectors of the economy on which its members relied to exercise patronage. The ruling party KANU had launched a revival and the towering authoritarian figure of Moi loomed larger than any political institution associated with liberal democracy. A shadow of despair was slowly descending on the robust claims made on behalf of political pluralism at the beginning of the decade.

The second multiparty elections held in 1997 approached amidst deep seated political apathy about the chances of removing the Moi elite from political control. The mainstream opposition in parliament teamed up with other social groups outside parliament to demand level playing ground in the lead to the elections. Social groups mainly drawn from the church and the legal profession formed a national convention executive council (NCEC) to push for constitutional reforms that would curtail the far reaching powers of the presidency and accord due recognition to political opposition. In a predictable fashion, the regime refused to heed the call from the NCEC and when the group held a rally which the government considered illegal on 7 July 1997, riot police descended on the rally held at a park in Nairobi and violently dispersed the political gathering.

Fearing political turmoil as elections approached, Western governments stepped up the pressure on the regime and the international monetary fund once again suspended \$ 220 million in credit. This was followed by the World Bank and other bilateral financial institutions and in a tactical maneuver as before, the regime relented to demands for minimum constitutional reforms before the elections thereby engaging the opposition for the first time since the first elections held in 1991. The game of wits continued as the most prominent feature of Kenya's multiparty process.

In a bid to dilute the powers of the NCEC which rested outside parliament, the regime insisted that parliament become the forum for the negotiations and not the National Constitutional Assembly which was the deliberating organ of the NCEC. This gave birth to the Inter-parties Parliamentary Group (IPPG) which negotiated the minimal reforms prior to the 1997 elections. Moi had once again taken the political initiative from the opposition by bringing back the dissent to parliament where KANU exercised control. The IPPG did however converge on the need for basic reforms to enable the opposition and KANU an equal footing in the coming

elections. They also agreed on the establishment of a constitutional-review commission after the elections to deliberate on far reaching reforms on fundamental issues like powers of the presidency, electoral reform and devolution of power to local authorities.

The regime had just conceded the minimum it needed to weather the storm of criticism from its external backers and in the subsequent elections conducted in December 1997, the Moi regime retained power as expected, garnering 41% of the total votes as opposed to the 36% secured in 1992. Kibaki became second (31%) in the absence of Kenneth Matiba whose FORD-Asili boycotted the elections while Raila Odinga secured third place (19%) with his National Development Party. Moi was back in power after facing a much more fragmented opposition than he did in 1992 but the countdown to his exit was also beginning to loom in the horizons.

In the period after the second election, much of the political posturing by both the opposition and the regime came to be conducted against the background of Moi's impending exit as the constitution barred him from contesting a third term. Kenya stood at crossroads as the realignment of social forces began in the contest for state control. The regime did make good its promise of establishing a constitutional-review commission to deliberate on the powers of the presidency and other reforms but the opposition saw sinister motives as Moi sought to control the process by putting it under a parliamentary select committee.

Apprehension prevailed that Moi could circumvent retirement by giving himself a third term in the new constitution. The realignment of social classes continued however with its ethnic implications and after a period of parliamentary cooperation with KANU, Raila Odinga merged his National Development Party with Moi's KANU in what looked like a tactical move to secure Moi's backing for the presidency. The power struggle that would ensue later with Raila as a tenant in

Moi's house spelt the end of KANU's hold on power since independence from colonial rule.

The merger between Raila Odinga's NDP and Moi's KANU, not only brought together two seemingly strange bedfellows-in that Moi had always been in power while Raila in opposition and even imprisoned by the regime for almost a decade-but also two social groups with contradictory social class aspirations. The KANU house into which the NDP moved constituted mainly the new commercial and business class bred under Moi's state patronage and drawn heavily from his Kalenjin ethnic community. To it was appended a section of the ethnic Kikuyu business class on whom the Moi regime still relied for support. The NDP under Raila on the other hand embodied the personal and class ambitions of the predominantly Luo elite whose access to state control had been blocked following Kenyatta's purge of radical nationalists after independence.

The NDP's merger with KANU and what was construed as Raila Odinga's gravitation towards Moi as a stepping stone to state house was thus viewed with suspicion by both the old and the new beneficiaries of state patronage in and outside the ruling party, especially Kibaki's DP where the majority of the old guards from the Kenyatta era had found a home. Both had no reason to believe that a regime with no economic basis in the wealth accumulation of the two post independence regimes would safeguard their long term economic interests. The silent war of attrition lasted until Moi finally settled on Kenyatta's son Uhuru as KANU's candidate for the presidency thereby making overt the jostling for state control that had until then remained latent.

When Moi seemed unrelenting in his efforts to mastermind the transition in his favor by handing KANU presidential nomination to his chosen candidate Uhuru Kenyatta, Raila Odinga who had been elevated to become a cabinet minister and

KANU secretary general decamped from the party in October 2001. Two seemingly opposite and irreconcilable political calculations had backfired against the background of conflicting social and personal class claim to state control. Moi's attempt to get the NDP and Raila Odinga to support Uhuru Kenyatta's candidacy as a way of ensuring continuity was simply not compatible with the NDP's claim to state house on the basis of exclusion from access to the state by the two post-colonial regimes. In the event, Raila and the NDP walked away from KANU followed by other disgruntled elite within the party seriously undermining the regime's ability to control the outcome of the impending elections.

Ironically enough, the group that decamped from Moi's KANU found itself seeking alliance with the National Alliance of Kenya (NAK) which had brought together Kibaki's DP, FORD-Kenya and Ngilu's National Party of Kenya precisely to act as a bulwark against the NDP-KANU alliance as election approached. Sensing defeat, the Moi regime launched intense political maneuvers to woo the splinter group back but with the exception of Mudavadi (who crossed back and was appointed vice president), the group stood firm and formed the National Rainbow Coalition. The same month, the splinter group coalesced around Kibaki's leadership after intense negotiation with the NAK and NARC was born.

The National Rainbow Coalition (NARC) was the unintended political outcome of the jockeying for state control among different social groups which had each adopted different routes in their power calculations as Moi's constitutionally stipulated retirement drew near. The regime's primary concern remained a transition that would not undo the economic power base its elite had developed via state control. This explains the discomfort exhibited by Moi's elite over Raila Odinga's overtures which was seen as an attempt to edge closer to the center of power as Moi's departure grew near. But his National Democratic Party also embodied the aspirations of a predominantly Luo social elite excluded from state

control by the two post-colonial regimes. The fear that his ascendance to power could undo the gains of the social classes of the two post colonial regimes remained real.

Moi's gravitation towards Uhuru Kenyatta was thus a carefully designed political gimmick aimed at ensuring a transition that would hand over political power back to the predominantly Kikuyu social elite from whose hands he had wrestled state control, but whom he now felt would be a secure basis for a government that would protect his Kalenjin centered alliance. But the formation of NARC changed the above logic as Moi once again lost the political initiative to a formidable opposition in whose face traditional tools of political trickeries like election rigging or intimidation could only cause public uproar. Without completely losing control, the Moi regime seemed to be adjusting to the new reality.

Despite their divergent personal and social class ambitions rooted in Kenya's political economy, the united opposition against Moi's KANU was held together by a memorandum of understanding (MOU) that pledged to speed up the stalled constitutional review process and introduce a parliamentary as opposed to an executive system based on the principle of power division. This opened the way for a string of influential offices to be allocated to the leading members of the assembled opposition groups. This postponed the potential for a pre-election power struggle that could tear the front apart and hand over victory to KANU. The widespread distrust among the strange bedfellows was however demonstrated by the fact that the MOU was signed in an advocate's office even though it was a political pact based on a common political platform. The contents were also kept secret, ostensibly to undercut the prospect of Moi using the power sharing deal to lure disgruntled opposition elite back to KANU. The National Rainbow Coalition had taken shape as election drew closer.

Concerned that the besieged Moi elite should not resort to desperate tactics that could negatively impact on political stability, the United States-the regime's most principal ally during the cold war and after-initiated a campaign aimed at assuring Moi immunity from prosecution in return for stepping down peacefully. In November 2002, Moi was invited to the white House by the Bush administration to be reminded to step down gracefully, and the man whose regime symbolized anything but the protection of human rights found himself addressing an audience at Jimmy Carter's human rights foundation. The US administration had come to the conclusion that granting immunity to the elite of the Moi regime was the only ticket to stability in the shaky transition and subsequently prevailed on the opposition to embrace the theme. A transition was in the offing for Kenya where room for change was contracting under a new political entity called NARC.

4.1 The Exit of the Moi Regime and the Euphoria of Democratic Change

On the 27 of December 2002, an opposition united under the umbrella of the National Rainbow Alliance (NARC) successfully challenged KANU's power monopoly of many decades in an election whose outcome was more or less determined beforehand. The National Rainbow Coalition garnered 62% of the presidential votes, beating Moi's favored candidate Uhuru Kenyatta whose KANU gained 31% of the votes. The NARC beat KANU in similar fashion in parliamentary elections capturing 125 of the 224 seats. The depleted KANU managed 64 seats in the post Moi parliament leaving the smaller parties in control of the remaining 21elected parliamentary seats as reflected in the figure shown in table 4.0 on the next page. As one Kenyan analyst remarked, the NARC victory "was the most significant political event in the history of Kenya since British colonial rule formally ended in December 1963". (Ndegwa 2002: 145)

Table 4.0

The results of the 2003 presidential elections depicting the landslide victory for the NARC

Province	Mwai Kibaki, NARC	Uhuru Kenyatta, KANU	Simeon Nyachae, FORD-People	James Orengo, SDP	David Ngethe Waweru, Chama cha Uma
Nairobi	76.49 %	20.78 %	2.40 %	0.24 %	0.08 %
Coast	62.78 %	33.36 %	3.21 %	0.42 %	0.23 %
North Eastern	28.09 %	67.06 %	4.55 %	0.24 %	0.06 %
Eastern	72.51 %	26.17 %	0.76 %	0.34 %	0.22 %
Central	68.96 %	30.26 %	0.44 %	0.14 %	0.20 %
Rift Valley	43.24 %	53.26 %	3.13 %	0.27 %	0.11 %
Western	76.31 %	21.54 %	1.37 %	0.52 %	0.28 %
Nyanza	61.39 %	7.60 %	29.75 %	1.13 %	0.13 %
Total	62.20 %	31.32 %	5.89 %	0.42 %	0.17 %

Source: NORDEM report 07/2003

The Moi regime, long regarded as the only obstacle to liberal democratic development by many after the reintroduction of multiparty politics in 1991 had been relegated to the periphery by a united opposition. As observed by Frank Holmquist (Holmquist 2002) in his post election analysis, the public mood at the handover ceremony at Uhuru Park in Nairobi witnessed to the euphoric expectation of change that accompanied the electoral transition. The public in attendance shared a conviction that a new era was unfolding in Kenya as conveyed by the opposition's Kiswahili song "*Yote yawezekana bila Moi*" (*everything is possible without Moi*) which filled the air accompanied by chants of thief, thief as Moi tried to speak. It was as Ndegwa points out in his analysis "a victory ten years delayed"(Ndegwa 2002 p 148).

The election result and Moi's departure from the political scene as Ajulu puts it received international accolade as "a model for peaceful democratic change" and a

panacea for liberal democratic development which could be emulated by other states in the region (Ajulu 2003: 1). There seemed to be an overwhelming consensus that the march to liberal democratic development perverted by the Moi regime was put back on the political truck by the election of the NARC to power. Long seen as the hallmarks of the Moi regime, corruption occasioned by what in liberal terminology became known as the 'rent seeking state' (Mauro 1997, The world bank 1997) could now be tackled under the NARC leadership. President Kibaki became the first African head of state honored by a state visit to Washington by the Bush administration. Even analysts who expressed some reservations over this post election euphoria like Frank Holmquist nonetheless maintained that "there is no question about the political will of the Kibaki government to fight corruption" (Holmquist 2002 p 2003). The contention that the hour of democratic change had arrived was simply overwhelming.

The above optimism also shared by the majority of the Kenyan citizenry could be said to reflect the yearning for change after decades of mismanagement of the state resulting in economic downturn, corruption, a personalized bureaucracy, increased crime rate, widespread social inequality and a near total collapse of public infrastructure. The NARC victory was held high as the obvious antithesis to the *ancien regim* in the rediscovered liberal democratic development faith that reigned in the period immediately after the elections. The opposition had finally prevailed in its third attempt to remove Moi and restore democratic governance; "third time lucky?" posed one analyst, on the prospects of Kenya's stalled democratic transition (Ndegwa 2002: 145).

The opposition might have been lucky in their third attempt which saw Moi relinquish state control but was the stalled democratic transformation process third time lucky or was it third time doomed?. As is becoming increasingly evident now, the NARC victory was by no means an assurance that substantive democratic

transformation around which the aspirations of the majority of the Kenyans converged in their enthusiastic support for change would be realized. After decades of political repression and economic stagnation resulting in widespread poverty, unemployment, increased social inequality and general insecurity, few imagined that these developments could resurface in the post Moi Kenya, but resurface they did.

The alliance that put an end to KANU's almost forty year hold on political power and President Moi's twenty four years at the helm, was as Barkan pointed out "a coalition of convenience, united more by what it opposed than by what it actually stands for" (Barkan 2002: 92). Looked at from the perspective of social class conflict in the competition for state control as a basis for capital accumulation I outlined above, the uneasy tranquility which obtained in the NARC was the lull before the storm. It was obvious that there would be a changing balance of social forces among the different social groups in the struggle for state control that would ensue after the elections. The direction of the stalled democratic process would in this case be determined by which combination of social classes would manage to assert their authority on state control. It was owing to this that apprehension hanged over the pre-election agreement among the parties which undertook to abolish executive presidency and turn the Kenyan political system to parliamentarism after the elections.

But observers who feared a repeat of the stalemate that had hitherto paralyzed Kenya's democratic transformation did not have to wait for long. No sooner had the dust settled after the euphoric victory celebrations did a war of attrition ensue among the NARC's constituent groups in the struggle for state control. The latent conflict suppressed for political convenience erupted at its most expected epicenter. Immediately after assuming the presidency, Kibaki under whose Democratic Party (DP) the "former Kikuyu elite and Kikuyu big business" (Throup&

Hornsby 1998) had consolidated itself started a gradual movement away from the agreement (memorandum of understanding or MOU) that had glued together the different parties in NARC prior to the elections. The government backtracked on the pre-election agreement providing for equal distribution of cabinet posts between Kibaki's NAK and the LDP of Raila Odinga. The ball had been set rolling in the struggle for state control and a continued stalemate loomed in Kenya's stalled democratic process.

If Kenya's history is anything to go by, then the predominantly Kikuyu business class heavily represented in Kibaki's DP had no reason to be comfortable about any political move to water down the powers of the presidency. Their dominance in Kenyan politics had been aided precisely by state protection under Kenyatta's stewardship. They had watched this disappear upon Moi's ascendance to power and his subsequent tilt of the balance of state patronage to his ethnic Kalenjin and other minority groups which formed his power base. With Moi's regime out and Kibaki in state house, it was only logical that this group should seek to revive what Holmquist called "the Kikuyu dominance of the Kenyatta presidency" (Holmquist 2002: 205). Such an objective was simply not compatible with a parliamentary democracy which left the president with no executive powers to dispense patronage. Once in power, Kibaki's ruling clique found themselves opposing the very constitutional reforms they had demanded while challenging Moi's presidency.

The pre-election memorandum of understanding signed among NARC's constituent parties had also promised the post of prime minister to Raila Odinga's Liberal Democratic Party (LDP). This further heightened the antagonism as Raila Odinga's predominantly Luo based LDP staked its claim to political power on the basis of having been denied access to state control by the two past regimes. It remained highly improbable that he would have, as a Prime minister built his

political power base around the old Kikuyu capitalist class that sought to reassert their hegemony after a period of exclusion from control of the state machinery by the Moi regime. The social elite around Kibaki, painfully aware of this sought to strengthen their hold on state control immediately after the elections. As Holmquist further observes “It was evident from the early weeks of the regime that all prominent people in state house as well as half a dozen or so informal advisers to the president, were from the Kikuyu and related ethnic groups” (Ibid: 204). The first visible casualty in the unfolding renewal of the stalemate in the democratic transformation became the stalled constitutional review process.

4.2 The Renewal of the Stalemate in the Democratic Transformation Process

When parliament reconvened after the elections under the new government, the alignment of social forces seemed to go against the grains of the unity of the opposition that had seen NARC defeat KANU. Party affiliations that had defined the political terrain in the lead to the election started vanishing as different social groups began a process of redefining their positions in relation to the power center. In the struggle for control of the parliamentary select committee (PSC) that was to oversee the stalled constitutional reform process, the power elite that had formed around Kibaki’s presidency broke with the pre-election NARC consensus and opposed Raila Odinga’s election as chairman of the parliamentary committee.

In a move widely read as an attempt by the new power elite to revive the old ethnic Kikuyu political establishment of the Kenyatta period and further stall the constitutional reform process, Kibaki and his inner circle fronted Paul Muite to take over the chairmanship of the PSC committee even though his party SAFINA was not part of the ruling NARC coalition. Like many of the individuals in Kibaki’s DP, the Nairobi based lawyer had come to prominence during the

Kenyatta era where he “prospered from lucrative briefs from government and parastatals” (Throup & Hornsby 1998: 57) before joining politics.

As chairman of the Parliamentary Select Committee, Muite has subsequently supervised the Kibaki government’s turn about on the constitution making process. The NARC remained a coalition in name but state control tilted after the elections in favor of Kibaki’s Democratic Party. The conventional division between the opposition and the government virtually evaporated as the real dividing line now went between the former Kikuyu centered business establishment of the Kenyatta regime now consolidated under the DP and opposed to power devolution, and the LDP which continues to advocate for constitutional reform to mitigate this group’s control of the state.

A deadlock has since ensued between the Kibaki led section of the NARC government and the constitutional conference whose membership is drawn from regional representatives, social groups and parliamentarians. As during the Moi regime, the constitutional review commission of Kenya (CRCK) is meeting resistance from government stonewalling of reforms in order to maintain its hold on centralized political power. This tag of war assumed tragic proportions in the shooting and killing under mysterious circumstances of a University lecturer who chaired the ‘technical committee on power devolution’ of the CRCK. Many saw the government’s hand in the killing and NARC’s Raila Odinga dubbed it political murder. The suspects charged with the murder have since been acquitted by the state.

In a move reminiscent of events after Moi’s second election in 1997, the Kibaki government is battling to wrestle control from the CRCK and return the constitutional review process to parliament where it has control. After a prolonged period of unsuccessful attempt to influence the final draft especially the contentious issue of reducing the powers of the presidency, this group wants

parliament to amend the draft before it is adopted. But this move is opposed by the LDP and MPs drawn from other parties in parliament who see it as an effort by the government to hijack the process and subvert its basis as ‘a people driven constitution making process’.

Fearing a crisis within the NARC government as a result of the internal conflict over the constitutional review process, Kibaki’s ruling elite diluted the pre-election basis of the NARC coalition by appointing members of the opposition to the cabinet. Members of opposition parties found their ways into ministerial appointments in what Kibaki dubbed “government of national unity”. Important however in this move, was the inclusion of Njega Karume, known for his prominence in the ethnic outfit GEMA (Gikuyu, Embu, Meru & Akamba) movement formed to agitate for continued hegemony of the Kikuyu capitalist elite as Kenyatta’s era neared its end. He remained with Moi as others deserted and was elected to parliament on a KANU ticket. But in June 2004, Kibaki incorporated “Kenya’s most successful capitalist and GEMA’s former chief executive” (Throup & Hornsby 1998: 341) and made him minister for ‘special projects’. The move further underlined attempts by the Kibaki regime to build the basis of its political support around the old Kikuyu capitalist establishment from the Kenyatta era.

The inclusion of members of the opposition in the cabinet has blurred the picture of the institutional arrangements of liberal democracy for which the Kenyan state was supposed to be destined to at the advent of multiparty politics. Contrary to conventional wisdom, the institutions are vanishing as alliances shift to reflect the underlying social class and personal interests in the struggle for state control. The political constellation that saw NARC gain political power has virtually vanished making it rather difficult to discern who is in government or the opposition. It becomes difficult to visualize institutional stability so much touted by the proponents of liberal democracy.

Two and half years after coming to power in 2003, the constitutional review process is caught up in a stalemate similar to the one that saw the process stall during the Moi regime. All indications point to a continuation of the prolonged stalemate as demonstrated by the present attempt by the government to change the composition of the PSC and replace LDP members of parliament by other MPs sympathetic to the position of the Kibaki section of the NARC. Under the circumstances it is highly difficult to sustain the almost revolutionary euphoria that greeted Moi's departure and the NARC's assumption of political power. The struggle for state control as a basis for capital accumulation and political patronage remains at the core of Kenya's politics as demonstrated by the long standing conflict over curtailing the powers of the presidency. A president without executive powers remains incompatible with capital accumulation and patronage predicated on state intervention. Nothing today indicates that the NARC government will relent in its opposition to reforming the state.

4.3 The Resurgence of Corruption in Government and the Predatory State

When the National Rainbow Coalition came to power after the 2002 elections, there had been an almost decade long cat and mouse game between international financial institutions and the Moi regime. Moi wavered between partially implementing the demands of the institutions and partially resisting them when it suited his regime to do so. The most contentious issue remained the plundering of state resources which actually became intense following the reintroduction of multiparty elections which made the Moi regime insecure about its future (Ajulu 2002: 4). Grand corruption had become commonplace and was epitomized by the highly publicized Goldenburg scandal in which top government officials colluded to siphon \$ 200 million from public coffers ostensibly in export compensation to a firm that never exported any gold . The NARC's victory was thus hailed as the

dawn of a new era that would rid the government of corrupt practices. The optimism was shared by many including academic analysts as summed up in Frank Holmquist's optimistic pronouncements cited earlier.

The first few months of the post election period saw a variety of hectic activities by the NARC government to streamline the operations of anticorruption bodies established to curb the menace. This went along with the post cold war neo-liberal agenda of both the World Bank and the International Monetary Fund that identifies corruption as the most important obstacle to economic development in African countries. Impressed by the verbal commitments from the new regime, the two institutions and other international financial institutions in November 2003 restored economic lending suspended as a result of the Moi regime's intransigence. But the consensus over the anticorruption crusade became a short lived honeymoon as it took a new turn soon after the World Bank and the IMF resumed lending to the new regime.

In what looked like rumblings from the Moi regime, the government got engaged in a tag of war with parliament over the appointment of a former high court judge with whom his ruling circle has close personal ties as the head of the Kenya Anticorruption Commission (KACC). Despite loud objections from a section of parliament, the government stood its ground and went ahead with its nomination. Indications were emerging that the government was backtracking in its commitment to fight corruption and as demonstrated in the concerted effort to compromise the independence of the anticorruption body by appointing individuals with whom regime members have close personal ties. There was also growing concern over the slow pace of the investigations into the Goldenburg scandal. Key individuals adversely mentioned by the commission of inquiry into the scandal occupied ministerial positions in the new government raising fears that they might never be prosecuted.

After consolidating his political power around his ethnic Kikuyu community and other related ethnic groups from around Mount Kenya, corruption reemerged earning the Kibaki government the now infamous connotation of “ the Mount Kenya Mafia” . The optimism of the immediate post Moi era has taken backstage and there is growing appeal to the new regime to confront what has become known as the ‘return of grand corruption in government’. The most conspicuous however in the string of scandals remains the well known “Anglo Leasing scandal” where the ministry of defense and finance attempted to award a multimillion tender to a non existent British company supposedly called Anglo Leasing.

Even though the money paid in advance to the fake company eventually found its way back to state coffers after the scandal was unearthed, the two ministers implicated refused to step down and instead directed their ire at the British Ambassador who has become increasingly vocal in his criticism of corruption in the NARC government. Responding to a barrage of attacks from the government, Edward clay in February 2005 presented a list of twenty ‘questionable government deals’ as evidence of the resurgence of grand corruption (Daily Nation, February 3, 2005). This followed a challenge from the government that he should provide evidence over his allegations in July 2004 that “corruption had cost the country a staggering Kshs 15 billion in just 18 months of President Kibaki’s Presidency”(The Standard July 14, 2004).

Despite continued verbal pronouncements about the ‘war on corruption’ by members of Kibaki’s inner circle, there is a growing despair that the crusade has lost momentum. The cat and mouse game, once a central feature of the Moi regime’s dealings with international financial institutions has reemerged as a political tactic cherished by the Kibaki regime. This could be read in the recent

pronouncements by key regime members like Kiraitu Murungi (the minister for constitutional affairs and a powerful figure in the NARC government) that the year 2005 will be the “year of action” on corruption (*The Standard*, April 16, 2005). Given his spirited defense of the government in the face of increasing evidence of corruption and his open opposition to the constitutional reform, many read his statement as political trickery coming as it did one week before the consultative group meeting between Kenya and its creditors, mainly the World Bank and the International Monetary Fund.

A further development which highlights the apparent reluctance of the NARC government to make a break from past practices is the recent resignation the man who had been appointed the secretary for ‘ethics and governance’. In a bid to woo international creditors back to Kenya, the NARC government named John Githongo to spearhead the anticorruption fight. The appointment of the former Transparency International official received positive approval as a demonstration of the NARC’s commitment to routing corruption. But Githongo’s office placed directly under the office of the president as demanded by the World Bank and IMF (Oendo & Holmquist 2001: 202) soon found itself at odds with regime officials bent on the cult of accumulation under state patronage. After a tag of war which saw an attempt to remove his office from the state house, the man who had earned the name of the “anticorruption Czar” resigned from the NARC government and sought refuge in London. Western government reacted swiftly with both Germany and the United States suspending funding of NARC’s anticorruption campaign.

Following the current acknowledgement of the reemergence of corruption in government, the post cold war jubilation which greeted multiparty politics is being revised to embrace the seemingly opposite hypothesis that ‘corruption might undermine’ democratization’. If the theme of the 1990’s was that multiparty politics would herald political accountability and forestall corruption (LeVine

1993: 271) which had hitherto plagued states like Kenya, then the current thesis as- observed by Szeftel towards the end of the last decade-remains an irony “given the claims made for pluralism and the liberal state at the start of this decade” (Szeftel 1998: 227). The thesis can be interpreted as an ad hoc modification of the liberal democracy thesis to accommodate the current pessimism regarding the prospects for change and its long term implications for political stability.

Little today suggests that the reintroduction of multiparty politics a in the early 1990’s signaled the beginning of a new era that would transform the Kenyan state and address the problems of economic stagnation, poverty, unemployment, social inequality and their attendant consequences like increase in crime rate and growing public discontent which threaten political stability. Despite the opening up of space for political competition, the development of a capitalist system which the neo-liberal thesis assumes remains doubtful within the post cold war world order. The prospect of the local capitalist elite effecting economic nationalism in the global era remains highly problematic. And as I have argued above, the extensive economic transformation which such an exercise might require will necessarily undermine the state acquired economic privileges enjoyed by the current ruling social elite.

There is already increasing evidence that the current regime might lean back to authoritarian methods of controlling dissent as popular unrest increases in the face of public disillusionment. This is already highlighted in the current attempt by the state to control the mass media by seeking to draw ‘guidelines’ on how the news media should operate (*The Standard*, April 30, 2005). The recent arrest of a Member of Parliament critical of the government for singing a song that supposedly put the president’s wife in bad light (The Standard 14 April, 2005) can also be read in a similar way. Revelatory of what might be in store as discontent builds up is the attempt to revive the ‘chief’s authority act’ as pronounced by John

Michuki, the minister for 'Internal Security'. The chief's act was a colonial invention aimed at controlling political dissent. It gives local administrative officials wide powers including those of proscribing political meetings, arrest, detention and restriction of movement. In what is definitely a dramatic turn from the principles of democratic governance daily invoked by the NARC government, the minister newly stated that the act was "the most visible organ through which the executive arm of the government can influence, direct and process public needs" (*The Standard April 19, 2005*)

The opposition might have been lucky in its third attempt at dislodging the Moi regime, but it might have been 'third time doomed' for the democratic transformation process. Current evidence readily suggests that the 2002 NARC victory was a revolution without revolution. As the fourth election grows near, the Kenyan democratization process remains caught between the deep blue sea and the devil, facing as it is contradictions which do not seem to be amenable to solutions within the context of multiparty politics and the neo-liberal ideology in which it is couched. In the next chapter, I revisit the question of social class in both the theory and practice of democracy as away of concluding my analysis of the stalled democratic transformation process in Kenya.

CHAPTER FIVE

The Class Character of the State and the Kenyan Democratic Impasse: Some Reflections on the Liberal Democracy Debate.

Looking at the stalemate in the Kenya's democratic transformation process, it is tempting to concur with Anthony Arblaster's observation that "democracy both in ancient Greece and in the politics of the last two centuries has never been achieved without struggle, and that struggle has always been, in good part, a type of class struggle, even if it is very simply characterized, as it was by many Greeks as a struggle of the many poor against the few who are rich and well-born" (Arblaster 1987:14). The evolution of the Athenian democracy posed a challenge to the established social order and this explains the vigor with which it was both resisted and embraced by its detractors and proponents respectively. As E.M. Wood asserts, "the ancient concept of democracy grew out of a historical experience which had conferred a unique civic status on subordinate classes" (Wood 1995:204). But supposedly founded on empiricism, the behaviorist foundation of the current neo-liberal thesis and its predecessor, modernization theory rule out of academic discourse historical accounts that have shaped the antagonisms in the democratic process of states, and which heightened with the rise of capitalism.

The attraction of the debate on democracy to empiricism or behaviorism divorced social inquiry from history and served the wider post war ideological context which treated or still treats the capitalist world system as a natural and given order and not a product of a specific historical development. This conclusion gets support in Colin Leys' statement worth quoting at length, that "whereas the early theorists of rising capitalism thought it essential to locate it in a broad conception of history, most Western theorists of development in the post war years (and majority of them were Westerners) avoided doing so because it meant unavoidably taking seriously

the work of Marx which at the height of the cold war was not merely considered unscientific, but in the U.S.A could easily cost you your job” (Leys 1996:6). The post war behavioral revolution in American social sciences which subsequently gained prominence in international academia is seen an important ideological plank in defense of a social order. This is further captured by Ole wæver who in a somewhat different context states that “American social science had become empiricist, abstaining from studying underlying (allegedly “metaphysical”) causes and searching for prediction and control. This fit with both ameliorist ambitions and universities controlled by businessmen. Searching for complex “underlying” causal determinants of, for instance poverty could be dangerous, whereas empiricism apologetically conserves the frameworks of givens and points to conformist remedies” (Wæver 1998:712-713). Behaviorism sought to relegate structural analysis of capitalism to the background.

But the historical spread of global capitalism and its attendant class antagonisms remain central to the developments that have shaped the evolution of the theory and practice of democracy. More so, it occupies a conspicuous centre-stage in the struggle for democratic transformation in states like Kenya where issues revolving around poverty and class inequality remain central. The growth of capitalism remains highly relevant if one agrees with Escobar’s observation that “massive poverty in the modern sense appeared only when the market economy broke down community ties and deprived millions of people from access to land, water; and other resources. With the consolidation of capitalism, systemic pauperization became inevitable”(Escobar 1995:22).

Liberal democracy which developed in the eighteenth century in Western Europe was, unlike its Athenian counterpart not a question of the ruled liberating themselves from political domination but a case of propertied classes asserting their claims in the face of encroaching popular rule. As such liberal democracy

drew its inspiration from ancient Rome and the city states of Renaissance Italy and not the historical reality that evolved in Athens. E.M, Wood contends that “if the peasant-citizen is the most representative figure of the first historical drama (*Athenian democracy*), in the second (*Anglo-American liberal democracy*) the feudal baron and the Whig aristocrat” (Ibid: 204).

The growth of capitalism fused with the philosophy of liberal individualism which predated it to form a foundation for liberal democracy where both individual and class privileges could be maintained. As E.M, Wood further argues “the idea of liberal democracy became thinkable- and I mean literally thinkable- only with the emergence of capitalist social property relations. Capitalism made possible the *redefinition* of democracy, its reduction to liberalism”. (Ibid: 34). Liberal democracy established the *distinction* between the political and the public sphere regulated by the state and the family and the private sphere regulated by the individual and the market. This resulted in the conceptualization of what became known as the ‘civil society’ understood as something constitutively separate and independent from the state. The redefined concept of democracy thus enacted capitalist relations while underlining formal and juridical equality.

The above view is also expressed in Anthony Arblaster’s analysis where he points out that liberal representative democracy reconciled the concept of democracy with class inequality seen from the antique as the antithesis of democratic rule. He argues that the modern version of democracy is “rooted in the perception of society as a collection of disparate and even conflicting interests- such as those of the rich and poor- with a democratic system of government being one in which these different rights are recognized as legitimate and therefore have a voice.....class and inequalities are acceptable as permanent and ineradicable” (Arblaster 1987:41). This view sees the institutions with which liberal democracy is identified as free elections, formal equality before the law and so forth as having developed in opposition to direct

and popular democracy of which the Athenian model was the outstanding example.

The above is what prompts Arblaster to conclude that modern day elite theory of which liberal democracy is an integral part is a continuation, if not in a more sophisticated manner, of the resistance popular democracy engendered from the established classes dating back to the antique. He states that liberal democracy theorists like Joseph Schumpeter, Raymond Aron, Martin Lipset, Walter Lipmann and others have been “able to get the best of both worlds. They could claim to be defending democracy while simultaneously denouncing the very tendencies and aspirations which led their less sophisticated predecessors *like Plato* (my addition) to condemn or criticize democracy as such” (ibid: 52-53). Liberal democracy was born out of class antagonisms and this means that class analysis remains central in understanding the implicit ideological underpinnings that inform both the theory and practice of democracy.

The analytical marriage between democracy and the political institutions of Western industrialized states (the implicit ideal in understanding political developments in non industrialized states) is thus not only ahistorical but also hinders the search for alternative conceptual tools in understanding the impasse in which the democratic transformation in states like Kenya are caught. Ahistorical because it fails to appreciate the specific historical development of capitalism and how this structured the fusion of the democratic ideal with liberalism in defense of class privileges. The implicit assumption that states like Kenya will follow the same pattern of development experienced by Western states is controversial and reflects reluctance to underline the historical specificity of the rise of the nation state and capitalism. The presentation of the state as a neutral institution or a Gallup institute that registers and aggregates the preferences of conflicting social

groups remains highly problematic as it downplays the class character of the state which arguably makes it an autonomous political and economic institution.

A look at Kenya's post colonial political and economic development quickly reveals social class antagonism as an outstanding feature in the struggle for democratic transformation. The first decade after decolonization was, as I have argued above relatively favorable for capital accumulation due to the post war economic boom. The importance of the state as an instrument for capital accumulation became highly visible as the predominantly Kikuyu elite around Kenyatta moved to occupy "one sector after another of the modern Kenyan economy during the post independence years" (Leys 1996: 144). The conflict which followed in the wake of this development saw this new elite use the apparatus of the state in opposing economic changes like land redistribution which would have undermined their newly acquired status.

Multiparty politics or political pluralism heightened the struggle for state control among the elite after 1992. The process also rejuvenated the hopes of the majority of the Kenyan population who saw in it a chance for a genuine democratic transformation that would transcend mere electoral transition. But as demonstrated by the current government's resistance to reforming the state, state control as a basis for capital accumulation remains an important stumbling block in realizing economic transformations that can tackle the problems of social inequality, poverty, unemployment and economic stagnation which in the long run pose a threat to political stability. The "extraordinary resistance that still exists to the idea that there are classes and class struggle in Africa, let alone that they may be of central importance" (Leys 1975: xii) is due to the behavioral analytical framework that de-emphasizes structural variables and downplays the conflictual nature of democracy.

Granted as I have argued that social class remains an important variable in understanding the stalemate in Kenya's democratic transformation, one would then concur with the views expressed by the editors of Review of African Political Economy that multiparty politics "do not of themselves imply participation, representativeness, accountability or transparency. They may be essential to the possibility of reducing inequalities and reducing oppression but they do not accomplish this of their own accord" (ROAPE no 54, 1992: 6). And if it is true as they further claim that multiparty political competition "serves as a system through which class dominance and various forms of systemic inequalities are perpetuated and legitimated" (ibid: 6), then it can rightfully be argued that despite opening the space for political competition, the current multiparty project in Kenya is unlikely to form a basis for consolidating domestic harmony and political stability.

Teetering on the brink of resorting to authoritarian tendencies of the last decades, the class character of the Kenyan democratic impasse is becoming more apparent as those who yesterday championed the anti-corruption crusade in opposition to the Moi state find graft and state patronage the most convenient way of wealth accumulation once in control of the state machinery. The rhetoric might have changed, but the substance remains the same and in a comparative perspective, the NARC regime is characterized more by continuity than by any significant shift from the governing tactics and policies employed by the Moi regime it succeeded. A recent study conducted by '*Society for International Development*' on the growing specter of social inequality states that "income is heavily skewed in favor of the rich and against the poor; the country's top 10% households control 42% of the total income while the bottom 10% control less than 1%". (SID 2004: 5).

It is doubtful that the above social class disparities will be addressed within the context of multiparty politics and its 'one size fits all' model of market liberalization and deregulation. On a longer view however, the Kenyan democratic

impasse is likely to drag into the longer future, periodically resurfacing as part of a wider search by the less privileged majority of a system that transcends the limitations put on democracy by its liberal version which shield the economic sphere from democratic intervention in a bid to maintain class inequalities, and of which multiparty politics is a manifestation. How such a development might unfold in the long run is subject to different interpretations and lies outside the scope of this paper. One can however say that what is diminishing is the euphoria from the last decade that political and market liberalization bore the solution to the question of domestic peace and political stability in states like Kenya. What has yet to be conceptualized is a model that embraces the conflictual nature of the democratic transformation process as it has unfolded over the periods in Kenya and its basis in what can rightly be characterized as conflicting class claims.

A society characterized by profound social inequalities like Kenya stands the risk of increasing tides of violence (as highlighted by the current surging waves of crime) and discontent that threaten the long term prospect for political stability. If modernization theory which dominated the academic discourse on ‘third world’ development and democracy in the first decades after the war was an intellectual tool for prosecuting the cold war, then it might as well be said today that multiparty politics and its neo-liberal ideology could equally be an intellectual tool for projecting the aims and objectives of global capitalism in the post cold war era. To the extent that economic measures aimed at reducing social inequality, unemployment or poverty remain in conflict with this overall objective, the prospect of political instability and disorder is likely to hang over the Kenyan polity as much as it has done in the last decades.

Acronyms

KANU	Kenya African national Union
KADU	Kenya African Democratic Union
FORD	Forum for the Restoration of Democracy
FORD-K	Forum for the Restoration of Democracy-Kenya
FORD-A	Forum for the Restoration of Democracy-Asili (original)
DP	Democratic Party
KSC	Kenya Social Congress
NARC	National Rainbow Coalition
CRCK	Constitutional Review Commission of Kenya
KPU	Kenya People's Union
NDP	National development Party
LDP	Liberal Democratic Party
NAK	National Alliance of Kenya
IPPG	Inter-Parties Parliamentary Group
NCEC	National Convention executive Council
NCA	National Constitutional assembly
CRCK	Constitutional Review Commission of Kenya
NPK	National Party of Kenya
CCM	Chama Cha Mapinduzi (Revolutionary Party)
UPC	Uganda People's Party
GEMA	Gikuyu, Embu, Meru & Akamba
KACC	Kenya Anti-corruption Commission

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